



STATE OF NORTH CAROLINA
DEPARTMENT OF ADMINISTRATION

ROY COOPER
GOVERNOR

MACHELLE SANDERS
SECRETARY

July 31, 2019

Ms. Kim Jones
North Carolina Department of Commerce
Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4325

**Re: SCH File # 19-E-4600-0277; Amended Application of Albemarle Beach Solar LLC
for a Certificate to construct a 80-MW Solar Facility in Washington Co.
Docket #EMP-103 Sub 0.**

Dear Ms. Jones:

The above referenced environmental impact information has been reviewed through the State Clearinghouse under the provisions of the North Carolina Environmental Policy Act.

Attached to this letter are comments made in the review of this document. Because of the nature of the comments, it has been determined that no further State Clearinghouse review action on your part is needed for compliance with the North Carolina Environmental Policy Act. The attached comments should be taken into consideration in project development.

Sincerely,

Crystal Best
State Environmental Review Clearinghouse

Attachments
cc: Region R

Mailing Address:
NC DEPARTMENT OF ADMINISTRATION
1301 MAIL SERVICE CENTER
RALEIGH, NC 27699-1301

Telephone: (919) 807-2425
Fax: (919) 733-9571
COURIER #51-01-00
Email: state.clearinghouse@doa.nc.gov
Website: www.ncadmin.nc.gov

Location:
116 WEST JONES STREET
RALEIGH, NORTH CAROLINA

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Jul 31 2019



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

JAMIE RAGAN
Director

MEMORANDUM

To: Crystal Best
State Clearinghouse Coordinator
Department of Administration

From: Lyn Hardison
Division of Environmental Assistance and Customer Service
Environmental Assistance and Project Review Coordinator Washington
Regional Office

RE: 19-0277 (16-0107)
Environmental Review - Amended Application of Albemarle Beach Solar,
LLC for a Certificate to construct an 80 MW Solar Facility.
Washington County

Date: July 29, 2019

The Department of Environmental Quality has completed its review of the proposal for the referenced project. Based on the information provided, our agencies have offered some valuable guidance to be performed prior to application submittal and ground disturbance which will help reduce any impacts to the natural resources within the project area. The comments are attached for the applicant's review.

A solar project of this size and its location could cause loss of wildlife habitat, displacement of wildlife habitat and could have negative impacts to riparian areas, wetlands, or jurisdictional stream features. The Department suggested the applicant request a Scoping meeting to discuss the full scope of project with the State and Federal permitting and resources agencies. The meeting is design to discuss all permits that will be required, any potential environmental impacts that may be present and will improve the permitting processes. Please as the applicant to contact Lyn Hardison, Permit Assistance Coordinator, in the Department's Washington Regional Office, to coordinate a scoping meeting. Her contact information is 252.948.3842 and lyn.hardison@ncdenr.gov.

Thank you for the opportunity to respond.

Attachment





North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

MEMORANDUM

TO: Lyn Hardison, Environmental Assistance Coordinator
NCDEQ Division of Environmental Assistance and Outreach (DEAO)

FROM: Maria T. Dunn, Coastal Habitat Coordinator
Habitat Conservation Division

DATE: July 23, 2019

SUBJECT: Albemarle Beach Solar, LLC 80 MW Solar Facility, Docket #EMP-103 Sub 0,
Washington County, North Carolina.
OLIA No. 19-0277

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the subject document and we are familiar with the habitat values of the area. Our comments are provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e), and North Carolina General Statutes (G.S. 113-131 et seq.).

The applicant proposes to construct an 80 MW photovoltaic solar facility located on both sides of Mackeys Road and Albemarle Beach Road in Roper, NC.

The NCWRC would like to state concern regarding the location and size of this project in relation to foraging habitats for migratory waterfowl. Agricultural lands in eastern North Carolina often provide foraging opportunities for migratory waterfowl, especially in areas near natural waterbodies. Large numbers of waterfowl in this location have been observed in the past. The cumulative loss of land may be of significant concern in time and have noticed the loss of bird use in other areas of large solar facilities. We request that if it determined this facility can be constructed, any fatalities or injured birds be reported to our agency.

In general, the NCWRC supports solar facilities located in open areas. However, the conversion of forests and wetlands to support solar development is causing increasing concern due to the loss of wildlife habitat, the fragmentation of wildlife habitat, and vegetative management needed post conversion for wetland and other forested areas. Due to the importance of wetlands to wildlife, we would like to state concern with any portion of the proposed project that would impact riparian areas, wetlands, or jurisdictional stream features.

Mailing Address: Habitat Conservation • 1721 Mail Service Center • Raleigh, NC 27699-1721
Telephone: (919) 707-0220 • **Fax:** (919) 707-0028

In addition to the concerns above, the following statements should be observed:

1. Maintain or establish a minimum 100-foot undisturbed, native forested buffer along each side of perennial streams and 50-foot undisturbed, native forested buffer along each side of intermittent streams and wetlands. Forested riparian buffers provide habitat areas for aquatic and terrestrial wildlife species and travel corridors for terrestrial wildlife. In addition, forested riparian buffers protect water quality by stabilizing stream banks and filtering stormwater runoff.
2. Use bridges for all permanent roadway crossings of streams and associated wetlands to eliminate the need to fill and culvert, where practicable. If culverts must be used, the culvert should be designed to allow aquatic life passage. Fords may be appropriate and preferred for intermittent stream crossings or where crossings will be used only once or twice a year. For fords, crossings in riffles are preferred with the banks lowered upstream and downstream of the crossing. Stabilize the stream bottom with geo-textile fabric and rock; concrete should not be used for bed stabilization.
3. Avoid or minimize impacts to wetlands during construction. In addition to providing wildlife habitat, wetland areas perform important functions of flood control and water quality protection. US Army Corps of Engineers Section 404 permits and N.C. Division of Water Resources Section 401 Certifications are required for any impacts to jurisdictional streams or wetlands. Temporarily disturbed wetland areas should be returned to original soils and contours, and reseeded with annual small grains appropriate for the season (e.g. oats, millet, rye, wheat, or rye grass) and should be allowed to revert to natural wetland vegetation.
4. If additional overhead transmission lines will be installed, then measures to minimize impacts to birds should be implemented. These can include increasing line visibility, insulating wires to cover exposed connections, and increasing the distance between wires so no contact with ground or other energized wire can be made. For more information see <http://www.fws.gov/birds/documents/powerlines.pdf>.
5. Consider establishing vegetative cover on the site that is beneficial to wildlife. Plantings should include native warm season grasses and/or wildflower seed mixes to create pollinator habitat within the project boundary. Shade-tolerant plants that are grow between 12 to 18 inches can be selected for planting both underneath and around solar panels. Further information and free technical guidance from the NCWRC is available upon request.
6. If site and/or transmission line maintenance is needed, avoid mowing between April 1 and October 1 to minimize impacts to nesting wildlife. We suggest a maintenance schedule that incorporates a portion of the area (e.g., one-third of the area) each year. Pesticides, fertilizers, herbicides, and other chemicals should not be used in wetland areas or near streams.
7. If pesticides or chemicals will be used for site maintenance, then stormwater runoff from the site should be directed to bio-retention areas prior to discharge to streams or wetlands to provide additional protection for water quality and aquatic and terrestrial wildlife habitats.
8. Sediment and erosion control measures should be installed prior to any land clearing or construction. The use of biodegradable and wildlife-friendly sediment and erosion control devices is strongly recommended. Silt fencing, fiber rolls and/or other products should have loose-weave netting that is made of natural fiber materials with movable joints between the vertical and horizontal twines. Silt fencing or similar materials that have been reinforced with plastic or metal mesh should be avoided as they impede the movement of terrestrial wildlife species. All sediment

and erosion control measures should be routinely inspected and properly maintained. Excessive silt and sediment loads can have numerous detrimental effects on aquatic resources including destruction of spawning habitat, suffocation of eggs, and clogging of gills of aquatic species.

9. A plan should be developed that identifies the party responsible for decommissioning the facility as well as the conditions under which decommissioning will occur. In addition, the plan should emphasize that all equipment must be removed from the sites, and the land should be restored to pre-construction conditions.

10. Measures to mitigate secondary and cumulative impacts can be found in NCWRC's *Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality* (August 2002; http://www.newwildlife.org/Portals/0/Conserving/documents/2002_GuidanceMemorandumforSecondaryandCumulativeImpacts.pdf).

Thank you for the opportunity to comment on this project. If our agency can be of further assistance, please contact me at (252) 948-3916 or at maria.duma@newwildlife.org.




ROY COOPER
Governor

WILLIAM G. ROSS JR.
Secretary

BRAXTON DAVIS
Director

MEMORANDUM:

TO: Lynn Hardison, Environmental Assistance and SEPA Coordinator

FROM: Gregg Bodnar, DCM Assistant Major Permits Coordinator 

SUBJECT: 19-0277 Albemarle Beach Solar

DATE: 7/19/19

I have reviewed the proposed development of Albemarle Beach Solar proposal in Washington County, as it relates to the Coastal Area Management Act (CAMA). After review of the location of proposed development, Division of Coastal Management (DCM) Staff has determined the proposed location may require a CAMA permit. The project is located within Washington County, a county within CAMA jurisdiction, and the proposal has undergone modification over time that has altered the location of the proposed development. For this reason it is advise to request a determination by contacting the DCM Washington Regional Office at (252) 946-6481.

Thank you for the opportunity to review the project and provide comment.

Contact Gregg Bodnar at (252) 808-2808 ext. 215 or gregg.bodnar@ncdenr.gov with further questions or concerns.

State of North Carolina Department of Environmental Quality
 INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: Washington
 Project Number: 19-0277 (16-0107) Due Date: 7/24/2019
 County: Washington

After review of this project it has been determined that the DEQ permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to construct & operate wastewater treatment facilities, non-standard sewer system extensions & sewer systems that do not discharge into state surface waters.	Application 90 days before begins construction or award of construction contracts. On-site inspection may be required. Post-application technical conference usual.	30 days (90 days)
<input type="checkbox"/>	Permit to construct & operate, sewer extensions involving gravity sewers, pump stations and force mains discharging into a sewer collection system	Fast-Track Permitting program consists of the submittal of an application and an engineer's certification that the project meets all applicable State rules and Division Minimum Design Criteria.	30 days (N/A)
<input type="checkbox"/>	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begins activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary.	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a groundwater monitoring well located on property not owned by the applicant, and for a large capacity (>100,000 gallons per day) water supply well.	7 days (15 days)
<input type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
<input type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950	Please Note - The Health Hazards Control Unit (HHCU) of the N.C. Department of Health and Human Services, must be notified of plans to demolish a building, including residences for commercial or industrial expansion, even if no asbestos is present in the building.	60 days (90 days)
<input type="checkbox"/>	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres are to be disturbed. Plan must be filed with and approved by applicable Regional Office (Land Quality Section) at least 30 days before beginning activity. A NPDES Construction Stormwater permit (NCG010000) is also usually issued should design features meet minimum requirements. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
<input type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets.		(30 days)
<input type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with _____ Local Government's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets.		Based on Local Program
<input type="checkbox"/>	Compliance with 15A NCAC 2H .0126 - NPDES Stormwater Program which regulates three types of activities: Industrial, Municipal Separate Storm Sewer System & Construction activities that disturb ≥1 acre.		30-60 days (90 days)
<input type="checkbox"/>	Compliance with 15A NCAC 2H 1000 -State Stormwater Permitting Programs regulate site development and post-construction stormwater runoff control. Areas subject to these permit programs include all 20 coastal counties, and various other counties and watersheds throughout the state.		45 days (90 days)

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State of North Carolina Department of Environmental Quality
 INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: Washington
 Project Number: 19-0277 (16-0107) Due Date: 7/24/2019
 County: Washington

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	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Mining Permit	On-site inspection usual. Surety bond filed with DEQ Bond amount varies with type mine and number of acres of affected land. Affected area greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, and certify construction is according to DEQ approved plans. May also require a permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage or the total project cost will be required upon completion.	30 days (60 days)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with DEQ running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to DEQ rules and regulations.	10 days N/A
<input type="checkbox"/>	Geophysical Exploration Permit	Application filed with DEQ at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A
<input type="checkbox"/>	State Lakes Construction Permit	Application fee based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property	15-20 days N/A
<input type="checkbox"/>	401 Water Quality Certification	Compliance with the T15A 02H .0500 Certifications are required whenever construction or operation of facilities will result in a discharge into navigable water as described in 33 CFR part 323.	60 days (130 days)
<input type="checkbox"/>	Compliance with Catawba, Goose Creek, Jordan Lake, Randieman, Tar Pamlico or Neuse Riparian Buffer Rules is required. Buffer requirements: http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-riparian-buffer-protection-program		
<input type="checkbox"/>	Nutrient Offset: Loading requirements for nitrogen and phosphorus in the Neuse and Tar-Pamlico River basins, and in the Jordan and Falls Lake watersheds, as part of the nutrient-management strategies in these areas. DWR nutrient offset information: http://deq.nc.gov/about/divisions/water-resources/planning/nonpoint-source-management/nutrient-offset-information		
<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 - \$475.00 fee must accompany application	75 days (150 days)
<input type="checkbox"/>	CAMA Permit for MINOR development	\$100.00 fee must accompany application	22 days (25 days)
<input type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.		
<input type="checkbox"/>	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
<input type="checkbox"/>	Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq., Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
<input checked="" type="checkbox"/>	If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
<input type="checkbox"/>	Plans and specifications for the construction, expansion, or alteration of the _____ water system must be approved through the _____ delegated plan approval authority. Please contact them at _____ for further information.		

State of North Carolina Department of Environmental Quality
 INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: Washington
 Project Number: 19-0277 (16-0107) Due Date: 7/24/2019
 County: Washington

Other Comments (attach additional pages as necessary, being certain to comment authority)

Division	Initials	No comment	Comments	Date Review
DAQ		<input type="checkbox"/>		/ /
DWR-WQROS (Aquifer & Surface)	&ADS	<input type="checkbox"/>	& Review of the subject project found no mention of possible existence or impacts to jurisdictional wetlands, streams and/or waters within the footprint of the proposed project. This Office highly recommends coordinating with the United States Army Corps of Engineers (USACOE) concerning identification of any jurisdictional features and the required permitting that may be involved prior to the implementation of this project.	/ / 7/9/19
DWR-PWS		<input type="checkbox"/>		/ /
DEMLR (LQ & SW)		<input type="checkbox"/>		/ /
DWM – UST		<input type="checkbox"/>		/ /
Other Comments		<input type="checkbox"/>		/ /

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

Asheville Regional Office
 2090 U.S. 70 Highway
 Swannanoa, NC 28778-8211
 Phone: 828-296-4500
 Fax: 828-299-7043

Fayetteville Regional Office
 225 Green Street, Suite 714,
 Fayetteville, NC 28301-5043
 Phone: 910-433-3300
 Fax: 910-486-0707

Mooreville Regional Office
 610 East Center Avenue, Suite 301,
 Mooreville, NC 28115
 Phone: 704-663-1699
 Fax: 704-663-6040

Raleigh Regional Office
 3800 Barrett Drive,
 Raleigh, NC 27609
 Phone: 919-791-4200
 Fax: 919-571-4718

Washington Regional Office
 943 Washington Square Mall,
 Washington, NC 27889
 Phone: 252-946-6481
 Fax: 252-975-3716

Wilmington Regional Office
 127 Cardinal Drive Ext.,
 Wilmington, NC 28405
 Phone: 910-796-7215
 Fax: 910-350-2004

Winston-Salem Regional Office
 450 Hanes Mill Road, Suite 300,
 Winston-Salem, NC 27105
 Phone: 336-776-9800
 Fax: 336-776-9797

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NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

Scott Walston

COUNTY: WASHINGTON

H11: ENERGY RELATED
FACILITIES/ACTIVITIES

STATE NUMBER: 19-E-4600-0277
DATE RECEIVED: 06/28/2019
AGENCY RESPONSE: 07/24/2019
REVIEW CLOSED: 07/29/2019

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MS CARRIE ATKINSON
CLEARINGHOUSE COORDINATOR
DEPT OF TRANSPORTATION
STATEWIDE PLANNING - MSC #1554
RALEIGH NC

Transportation Planning
Division

JUL 08 2019

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REVIEW DISTRIBUTION

DEPT OF AGRICULTURE
DEPT OF ENVIR. QUALITY - COASTAL MG
DEPT OF ENVIRONMENTAL QUALITY
DEPT OF NATURAL & CULTURAL RESOURCE
DEPT OF TRANSPORTATION
DNCR - NATURAL HERITAGE PROGRAM
DPS - DIV OF EMERGENCY MANAGEMENT
THE ALBEMARLE COMMISSION

PROJECT INFORMATION

APPLICANT: North Carolina Department of Commerce
TYPE: State Environmental Policy Act
Environmental Review

DESC: Amended Application of Albemarle Beach Solar LLC for a Certificate to construct a 80-MW Solar Facility in Washington Co. Docket #EMP-103 Sub 0. - View document at <http://starwl.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx>, Type EMP-103 Sub 0 in the Docket Number search line.

Located on both sides of Mackeys Road and Albemarle Beach Road, Roper, NC

Amended due to the removal and addition of parcels of the site.

CROSS-REFERENCE NUMBER: 16-E-4600-0107

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: NO COMMENT COMMENTS ATTACHED

SIGNED BY:

Michelle Houser

DATE:

7-15-19

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

JUL 06 2019

COUNTY: WASHINGTON

H11: ENERGY RELATED
FACILITIES/ACTIVITIES

STATE NUMBER: 19-E-4600-027
DATE RECEIVED: 06/28/2019
AGENCY RESPONSE: 07/24/2019
REVIEW CLOSED: 07/29/2019

MS CINDY WILLIAMS
CLEARINGHOUSE COORDINATOR
DPS - DIV OF EMERGENCY MANAGEMENT
FLOODPLAIN MANAGEMENT PROGRAM
4218 MAIL SERVICE CENTER
RALEIGH NC

REVIEW DISTRIBUTION

DEPT OF AGRICULTURE
DEPT OF ENVIR. QUALITY - COASTAL MG
DEPT OF ENVIRONMENTAL QUALITY
DEPT OF NATURAL & CULTURAL RESOURCE
DEPT OF TRANSPORTATION
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DPS - DIV OF EMERGENCY MANAGEMENT
THE ALBEMARLE COMMISSION

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SIGNED BY:



DATE: 09 July 2019

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