

# North Carolina Department of Administration

Pat McCrory, Governor

Bill Daughtridge, Jr., Secretary

May 18, 2015

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

Re: SCH File # 15-E-4600-0570; Application of North 301 Solar, LLC for Certificate to construct a 20 MW Solar Photovoltaic Electric Generating Facility in Halifax Co.

Docket #SP-5422 Sub 0.

Dear Ms. Mount:

The above referenced environmental 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. The Department of Cultural Resources has requested additional information prior to their concurrence with the above referenced document.

Therefore, pursuant to 1 NCAC 25 .0506(c), this office requests that a supplemental document providing the additional information requested by the Department of Cultural Resources be submitted to the Clearinghouse for further review and comment.

Sincerely,

Crystal Best

State Environmental Review Clearinghouse

Attachments

cc: Region L

Mailing Address: 1301 Mail Service Center Raleigh, NC 27699-1301 Telephone: (919)807-2425 Fax (919)733-9571 State Courier #51-01-00 e-mail state.clearinghouse@doa.nc.gov

Location Address: 116 West Jones Street Raleigh, North Carolina



# North Carolina Department of Environment and Natural Resources

Pat McCrory Governor Donald R. van der Vaart Secretary

### **MEMORANDUM**

To:

Crystal Best

State Clearinghouse

From:

Lyn Hardison

Division of Environmental Assistance and Customer Service Environmental Assistance and Project Review Coordinator

RE:

15-0570

Environmental Review - Application of North 301 Solar, LLC for the Certificate to

construct a 20 MW Solar Photovoltaic Electric Generating Facility

Halifax County

Date:

May 15, 2015

The Department of Environment and Natural Resources has completed its review of the proposal for the referenced project. Based on the information provided, several of our agencies have identified permits that may be required. The agencies have offered some valuable guidance to be performed prior to application submittals 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.

It is suggested to the applicant to contact NC Wildlife Resources Commission if the site attracts large numbers of migratory bird or observes fatalities or injured bird.

If the applicant has any questions pertaining to NCDENR permitting processes, please suggest to the applicant to contact David Lee, Permit Assistance Coordinator, in the Department's Raleigh Regional Office, (919)791-4200 for more permitting assistance. The proposed project is located within his geographic working territory.

Thank you for the opportunity to respond.

Attachments



# North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

### **MEMORANDUM**

TO:

Lyn Hardison, Environmental Assistance Coordinator

NCDENR Division of Environmental Assistance and Outreach (DEAO)

FROM:

Maria T. Dunn, Northeast Coastal Region Coordinator

Habitat Conservation Program

DATE:

May 11, 2015

SUBJECT:

North 301 Solar, LLC, 20 MW Solar Facility, SP-5422 Sub 0, Halifax County, North

Carolina.

OLIA No. 15-0570

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 a 20 MW photovoltaic solar facility located at 15919 Hwy 301 in Enfield, NC.

The NCWRC has reviewed the available information and would like to state concern with the portion of the proposed project that lies within the wooded areas. The proposed solar facility is very large and combined with other large facilities will have a cumulative impact to wildlife habitats. 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. This area is near the headwater inputs to Marsh Swamp and Beech Swamp. All areas that have ground disturbance should be delineated to determine wetland presence.

We would also 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. The photovoltaic panels may reflect sunlight and resemble a water surface, potentially drawing waterfowl in to land. We request that if this facility is constructed, any fatalities or injured birds be reported. It should also be noted that as

Mailing Address: Division of Inland Fisheries • 1721 Mail Service Center • Raleigh, NC 27699-1721 Telephone: (919) 707-0220 • Fax: (919) 707-0028

North 301 Solar, LLC Page 2 May 11, 2015 OLIA No. 15-0570

agricultural lands are transformed into solar facilities, winter foraging habitats for migratory waterfowl are lost. The cumulative loss of land may be of significant concern in time.

In addition to these concerns, 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.
- 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. U.S. Army Corps of Engineers Section 404 permits and N.C. Division of Water Resources Section 401 Certifications are needed 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.
- 3. 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 <a href="http://www.fws.gov/birds/documents/powerlines.pdf">http://www.fws.gov/birds/documents/powerlines.pdf</a>.
- 4. Consider establishing vegetative cover on the site that is beneficial to wildlife such as native warm season grasses. Although a site-specific plan is preferred, for general information on developing vegetative cover on disturbed soils, please see the attached Seed Mixes for Revegetating Disturbed Sites. Note: it is important to use all of the components of the Basic Mix. Also, we encourage adding one or more of the native species (found in the table at the end) to the Basic Mix to improve habitat for wildlife species.
- 5. Where feasible, consider establishing grassland habitats on the site. These are drought tolerant and require minimal mowing maintenance once established. Grasslands provide habitat for migratory and resident birds and small mammals particularly if mowing is done only in late winter/early spring after winter cover needs are reduced and before nesting occurs. For more information on grassland habitats and establishment, please contact Laura Fogo, U.S. Fish and Wildlife Service, at (910) 695-3323 or laura fogo@fws.gov.
- 6. 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.
- 7. Sediment and erosion control measures should be installed prior to any land clearing or construction. These 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.
- 8. 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; <a href="http://www.ncwildlife.org/Portals/0/Conserving/documents/2002">http://www.ncwildlife.org/Portals/0/Conserving/documents/2002</a> 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 <a href="mailto:mai

# State of North Carolina Department of Environment and Natural Resources INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

Reviewing Office: <u>RRO</u>

Project Number 15-0570

Due Date: <u>5/11/2015</u>

County <u>HALIFAX</u>

After review of this project it has been determined that the ENR 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)			
	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)			
	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 begin 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)			
	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)			
	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)			
	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.				
	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.O100 thru 2Q.0300)	ad/or Emission Sources as per 15 A NCAC				
	Permit to construct & operate Transportation Facility as per 15A NCAC (2D.0800, 2Q.0601	Application must be submitted at least 90 days prior to construction or modification of the source.	90 days			
$\boxtimes$	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900					
	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.	N/A	60 days (90 days)			
	Complex Source Permit required under 15 A NCAC 2D.0800					
$\boxtimes$	The Sedimentation Pollution Control Act of 1973 must be procontrol plan will be required if one or more acres to be disturb days before beginning activity. A fee of \$65 for the first acre fees.	20 days (30 days)				
	Sedimentation and erosion control must be addressed in accor to design and installation of appropriate perimeter sediment tr	(30 days)				
	Mining Pennit	On-site inspection usual. Surety bond filed with ENR Bond amount varies with type mine and number of acres of affected land. Any are mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)			
	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	l day (N/A)			
	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual bum is planned."	I day (N/A)			
	Oil Refining Facilities	N/A	90-120 days (N/A)			
	Dam Søfety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction. certify construction is according to ENR approved plans. May also require 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)			

	County <u>HALIF</u>	<u>AX</u>		Project Number: <u>15-0570</u> Due Date: <u>5/11/2015</u>	Normal Process Time		
PERMITS				SPECIAL APPLICATION PROCEDURES of REQUIREMENTS	(statutory time limit)		
	Permit to drill explora	tory oil or gas	swell	File surety bond of \$5,000 with ENR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations.	10 days N/A		
	Geophysical Explorati	on Permit		Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A		
	State Lakes Constructi	ion 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		
	401 Water Quality Cer	nification		N/A	60 days (130 days)		
	CAMA Permit for MA	UOR develor	ment	\$250.00 fee must accompany application	55 days (150 days)		
	CAMA Permit for MII	NOR develop	ment	\$50.00 fee must accompany application	22 days (25 days)		
	Several geodetic monu N.C. Geodetic Survey,			project area. If any monument needs to be moved or destroyed, please notify:			
$\boxtimes$	Abandonment of any	vells, if requi	red must be in acco	rdance with Title 15A. Subchapter 2C.0100.			
$\boxtimes$	Notification of the pro	per regional o	office is requested if	""orphan" underground storage tanks (USTS) are discovered during any excavation operation.			
	Compliance with 15A	NCAC 2H 1	000 (Coastal Storm	vater Rules) is required.	45 days (N/A)		
	Catawba, Jordan Lake	, Randalman,	Tar Pamlico or Ne	ise Riparian Buffer Rules required.			
	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.						
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.							
Other comments (attach additional pages as necessary, being certain to cite comment authority)  Division Initials No Comments							
			comment		Date Review		
DA		DDM			5/5/15		
DWR-WQROS ds (Aquifer & Surface) rb			- A project that disturbs 1 acre or greater is required to secure an erosic and sedimentation control plan and must comply with construction stormwater permit conditions (NCG010000)	on 5/11/15 5/5/15			
				-The project is in the Tar River Basin (unnamed tributary to Beech Swan Class C, Sw NSW	пр		
				The USGS Topographic map depicted blue crenulations that are within project. (Note: the soil survey was not reviewed.) [The map that was provide was very poor quality this is a large project (20 MW) -	the		
n V a			If stream, wetland or riparian buffer impacts are proposed, this project need to comply with/secure a 404 permit from the USACE, obtain a 401 Water Quality Certification and a riparian buffer authorization as appropriate. [In addition to the solar panel production field area, acce roads and utilities impacts will need to be properly permitted.].				
DW	r-PWS	N/A	$\Box$				
				S&E plan block checked.	5/7/15		
DWM - UST MRP					5/8/15		
				REGIONAL OFFICES			

Qu	iestions	regarding	these pe	ermits	should	be a	addressed	to the	Regional	Office	marked	below.
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Asheville Regional Office Mooresville Regional O	Office
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2090 US Highway 70 Swannanoa, NC 28778 (828) 296-4500

- Fayetteville Regional Office
  225 North Green Street, Suite 714
  Fayetteville, NC 28301-5043
  ( 910) 433-3300
- 610 East Center Avenue, Suite 301 Mooresville, NC 28115 (704) 663-1699
- Raleigh Regional Office
  3800 Barrett Drive, Suite 101
  Raleigh, NC 27609
  (919) 791-4200
- Washington Regional Office 943 Washington Square Mall Washington, NC 27889 (252) 946-6481

- 127 Cardinal Drive Extension Wilmington, NC 28405 (910) 796-7215
- Winston-Salem Regional Office 450 West Hanes Mill Road, Suite 300 Winston-Salem, NC 27105 (336) 771-9800

# NORTH CAROLINA STATE CLEARINGHOUSE DEPARTMENT OF ADMINISTRATION

INTERGOVERNMENTAL REVIEW

H11: ENERGY RELATED

FACILITIES/AC

STATE NUMBER:

15-E-4600-05

04/14/2015

MS RENEE GLEDHILL-EARLEY CLEARINGHOUSE COORDINATOR DEPT OF CULTURAL RESOURCES STATE HISTORIC PRESERVATION OFFICE

RALEIGH NC

COUNTY: HALIFAX

REVIEW DISTRIBUTION

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DEPT OF AGRICULTURE

DEPT OF CULTURAL RESOURCES

MSC 4617 - ARCHIVES BUILDING

DEPT OF TRANSPORTATION

UPPER COASTAL PLAIN COG

PROJECT INFORMATION

APPLICANT: N.C. Department of Commerce

TYPE: State Environmental Policy Act

Environmental Review

DESC: Application of North 301 Solar, LLC for Certificate to construct a 20 MW Solar Photovoltaic Electric Generating Facility in Halifax Co. Docket #SP-5422 Sub 0. -

View document at

http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx, Type SP-5422

Sub 0 in the Docket Number search line.

Located on US 301 North in Enfield, NC

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

DATE:

DATE RECEIVED:

AGENCY RESPONSE: 05/11/2015 REVIEW CLOSED:

05/14/2015

CH 15.0928

Due 5/4/15 5. COMMENTER

Due 5/4/15 5. COMMENT

PR 2 0 2015

HISTORIC PRESERVATION OFFICE

APR 2 1 2015



# North Carolina Department of Cultural Resources

# State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Pat McCrory Secretary Susan Kluttz

Office of Archives and History Deputy Secretary Kevin Cherry

May 1, 2015

## **MEMORANDUM**

TO:

Crystal Best

North Carolina State Clearinghouse Department of Administration

FROM:

Ramona M. Bartos Reserva M. Bartos

SUBJECT:

Construct 20 MW North 301 Solar Farm, US 301 North, Enfield, Halifax County, CH 15-0926

Thank you for your request dated April 14, 2015. We have reviewed the information for the above project and offer the following comments.

The project tract is located east of Highway 301 north of Enfield, North Carolina. Geographically, the project area is located in an upland setting overlooking a first to second order feeder stream of Beech Swamp. The geographical setting of the project is considered a high probability area for archaeological remains, particularly those associated with prehistoric Native Americans. The North 301 Solar project tract has never been systematically surveyed for archaeological resources. Given the nature of this landscape and the high probability of Native American remains, we recommend a Phase I/II archaeological survey of the tract considered as part of this application. As a result, we recommend the following conditions for this application:

Prior to initiation of any ground disturbing activities within the project area, the applicant shall arrange for an archaeological survey of the entire project area. This includes the proposed transmission corridor from the project area to Highway 301. The purpose of this survey will be to locate archaeological sites and make recommendations regarding the eligibility status of each site in terms of the National Register of Historic Places (NRHP). If a site is determined to be eligible for the NRHP the applicant shall determine whether the site will be adversely affected by the project activities; and, if so, develop and implement an appropriate mitigation plan. Two copies of all resulting archaeological reports, as well as one copy of the North Carolina site forms, should be forwarded to the Office of State Archaeology through this office for review and comment as soon as they are available and in advance of any construction or ground disturbance activities.

A list of archaeological consultants who have conducted or expressed an interest in contract work in North Carolina is available at

www.archaeology.ncdcr.gov/ncarch/resource/consultants.htm. The archaeologists listed, or any other experienced archaeologist, may be contacted to conduct the recommended survey. The selected archaeologist will consult with the Office of State Archaeology directly regarding the project methods prior to the commencement of any field work activities. All activities associated with the archaeological investigations shall also be coordinated with the Office of State Archaeology prior to implementation in the field.

We have determined that the project as proposed will not have an effect on any historic structures.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579 or <a href="mailto:environmental.review@ncdcr.gov">environmental.review@ncdcr.gov</a>. In all future communication concerning this project, please cite the above referenced tracking number.

# NORTH CAROLINA STATE CLEARINGHOUSE DEPARTMENT OF ADMINISTRATION

INTERGOVERNMENTAL REVIEW

COUNTY: HALIFAX

H11: ENERGY RELATED FACILITIES/ACTIVITIES STATE NUMBER:

15-E-4600-05

DATE RECEIVED: 04/14/2015

AGENCY RESPONSE: 05/11/2015

REVIEW CLOSED: 05/14/2015

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

### REVIEW DISTRIBUTION

CC&PS - DIV OF EMERGENCY MANAGEMENT

DENR LEGISLATIVE AFFAIRS

DEPT OF AGRICULTURE

DEPT OF CULTURAL RESOURCES

DEPT OF TRANSPORTATION

UPPER COASTAL PLAIN COG

## PROJECT INFORMATION

APPLICANT: N.C. Department of Commerce TYPE: State Environmental Policy Act Environmental Review

DESC: Application of North 301 Solar, LLC for Certificate to construct a 20 MW Solar Photovoltaic Electric Generating Facility in Halifax Co. Docket #SP-5422 Sub 0. -

View document at

http://starwl.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx, Type SP-5422 Sub 0 in the Docket Number search line.

Located on US 301 North in Enfield, NC

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 th	is office at (919)807-2425.
AS A RESULT OF THIS REVIE	W THE EQLIOWING IS SUBMITTED:	× NO COMMENT COMMENTS ATTACHED
SIGNED BY:	January	DATE: April 24, 2015



# NORTH CAROLINA STATE CLEARINGHOUSE DEPARTMENT OF ADMINISTRATION

### INTERGOVERNMENTAL REVIEW

COUNTY: HALIFAX

H11: ENERGY RELATED

FACILITIES/ACTIVITIES

STATE NUMBER: 15-E-4600-05 04/14/2015 DATE RECEIVED:

AGENCY RESPONSE: 05/11/2015

REVIEW CLOSED: 05/14/2015

APR 2 1 2015

MS CAROLYN PENNY

CLEARINGHOUSE COORDINATOR

CC&PS - DIV OF EMERGENCY MANAGEMENT

FLOODPLAIN MANAGEMENT PROGRAM

MSC # 4719

RALEIGH NC

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