



Roy Cooper
Governor

Pamela B. Cashwell
Secretary

November 28, 2022

Shonta Dunston
North Carolina Department of Commerce
Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

Re: SCH File # 23-E-4600-0068 Application of Filo Solar, LLC for Certificate to construct a 75MW Solar Facility in Montgomery County. Docket #SP-33082 Sub 0. View document at <http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx>, Type SP-33082 Sub 0 in the Docket Number search line.

Dear Shonta Dunston:

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.

If you have any questions, please do not hesitate to contact me at (984) 236-0000.

Sincerely,

CRYSTAL BEST
State Environmental Review Clearinghouse

Attachments

Mailing
1301 Mail Service Center | Raleigh, NC 27699-1301



ncadmin.nc.gov

Location
116 West Jones St. | Raleigh NC 27603
984-236-0000 T

OFFICIAL COPY

Nov 29 2022

Control No.: 23-E-4600-0068
County.: MONTGOMERY

Date Received: 10/21/2022
Agency Response: 11/21/2022
Review Closed: 11/21/2022

LYN HARDISON
CLEARINGHOUSE COORDINATOR
DEPT OF ENVIRONMENTAL QUALITY

Project Information

Type: State Environmental Policy Act ironmental Review
Applicant: North Carolina Department of Commerce
Project Desc.: Application of Filo Solar, LLC for Certificate to construct a 75MW Solar Facility in Montgomery County. Docket #SP-33082 Sub 0. View document at <http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx>, Type SP-33082 Sub 0 in the Docket Number search line.

Located along Coggins Road, near the City of Biscoe, North Carolina.

As a result of this review the following is submitted:

☐ No Comment ☐ Comments Below ☒ Documents Attached

Reviewed By: LYN HARDISON

Date: 11/21/2022



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

To: Crystal Best
State Clearinghouse
NC Department of Administration

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

Re: 23-0068
Environmental Review - Application of Filo Solar, LLC for Certificate to construct a 75 MW Solar Facility, Docket #SP-33082 Sub 0.
Montgomery County

Date: November 21, 2022

The Department of Environment Quality has reviewed the proposal for the referenced project. Based on the information provided, several of our agencies have identified permits that may be required and offered some valuable guidance to help minimize impacts to aquatic, terrestrial wildlife, and natural resources. The comments are attached for the applicant's review.

A project of this size should have a Scoping meeting to discuss the full scope of the project with the State and Federal permitting and resources agencies. The meeting is designed to discuss all permits that will be required, any potential environmental impacts that may be present and will improve the permitting processes. Please ask the applicant to contact Johnathan Watt, Permit Assistance Coordinator, in the Department's Fayetteville Regional office, to coordinate a scoping meeting. His contact information is 919-433-3353 and johnathan.watts@ncdenr.gov.

The Department will continue to be available to assist the applicant with any questions or concerns.

Thank you for the opportunity to respond.

Attachments



North Carolina Department of Environmental Quality
217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601
919.707.8600

OFFICIAL COPY

Nov 29 2022



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

MEMORANDUM

TO: Lyn Hardison, Environmental Assistance and SEPA Coordinator
NCDEQ Division of Environmental Assistance and Customer Services

FROM: Gabriela Garrison
Eastern Piedmont Coordinator
Habitat Conservation *Gabriela Garrison*

DATE: November 16, 2022

SUBJECT: Comments on Filo Solar, LLC Solar Facility in Montgomery; Project Number 23-0068.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the proposed project description. Comments are provided in accordance with certain provisions of the North Carolina Environmental Policy Act (G.S. 113A-1 through 113A-10; 1 NCAC 25) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

Filo Solar, LLC proposes to construct a 75 MW solar photovoltaic electric generating facility in Montgomery County; this project was previously circulated as Project Number 22-0319. The facility would be located north and south of NC Highway 24/27, west of Coggins Road, east of Troy. A map with the proposed project boundary suggests the site is mostly forested. Clearing trees from this site and installing solar panels will displace wildlife species. Installing solar panels on previously cleared and disturbed land will have less impact and is therefore the preferred option. Solar projects should be sited to avoid impacts to wetlands, streams, riparian buffers, and priority wildlife habitat.

Aerial maps and images indicate Little River and associated tributaries bisect portions of the proposed project area. There are records for the following rare, freshwater mussels in Little River in the direct project vicinity: the state-threatened, notched rainbow (*Villosa constricta*) and state-significantly rare, eastern creekshell (*Villosa delumbis*). There are records for the following rare species in the Little River, downstream of the proposed site: the state-endangered, Carolina creekshell (*Villosa vaughaniana*) and yellow lampmussel (*Lampsilis cariosa*); and the state threatened, eastern lampmussel (*Villosa radiata*), creeper (*Strophitus undulatus*), triangle floater (*Alasmidonta undulata*), and Carolina redhorse (*Moxostoma sp. 3*).

As mentioned in previous comments, the NCWRC is concerned with potentially adverse ecological impacts resulting from project construction. Placing fill in aquatic systems can alter hydrology, result in significant negative impacts to downstream areas, and eliminate aquatic and terrestrial wildlife habitat. Additional impervious surface results in increased stormwater runoff that can impact stream morphology. This will cause further degradation of aquatic habitat through accelerated stream bank erosion, channel and bedload changes, altered substrates, and scouring of the stream channel. In addition, pollutants (e.g., sediment, heavy metals, pesticides, and fertilizers) washed from developed landscapes can adversely

November 16, 2022
Filo Solar, LLC - UPDATED

affect and extirpate species downstream. Forest fragmentation is also a serious concern as large areas of Montgomery County remain predominantly rural. Reduction of habitat due to fragmentation has severe impacts on wildlife populations, including deleterious effects on reproduction and migration. Small patches of forest often become degraded and provide little or no value to remaining wildlife. A portion of the proposed solar farm is adjacent to the Uwharrie National Forest. As such, please contact Susan Miller, District Ranger for the U.S. Forest Service, for additional guidance: susan.l.miller@usda.gov, 910-606-3326.

The NCWRC offers the following guidance and recommendations to minimize impacts to aquatic and terrestrial wildlife resources:

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 and travel corridors for wildlife species. In addition, forested riparian buffers protect water quality by stabilizing stream banks and filtering stormwater runoff.
2. The project footprint should be surveyed for wetlands and streams to ensure there are no impacts to surface waters. In addition to providing wildlife habitat, wetland areas and streams aid in flood control and water quality protection. United States Army Corps of Engineers Section 404 Permits and NC 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, reseeded with annual small grains appropriate for the season (e.g., oats, millet, rye, wheat, or rye grass), and allowed to revert to natural wetland vegetation.
3. 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.
4. The solar facility will connect to existing utility lines; impacts to wildlife habitat will be minimized by connecting along pathways that do not contain quality wildlife habitat, such as cleared or agricultural land. If additional overhead transmission lines will be installed, 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. If site and/or transmission line maintenance is needed, avoid mowing between April 1 and October 1 to minimize impacts to nesting wildlife. Use 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.
6. If pesticides or chemicals will be used for site maintenance, stormwater runoff from the site should be funneled 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. Consider planting native, wildflower seed mixes that will create pollinator habitat within the project boundary. Shade-tolerant plants that are within 12 to 18 inches can be selected for plantings both underneath and around the solar panels. Pollinator habitat with more diverse seed mixes can also be created in buffer areas outside of the panel region. In addition, consider adding

November 16, 2022

Filo Solar, LLC - UPDATED

other habitat-enhancing features, such as permeable fencing, bird/bat boxes, and brush piles that will minimize impacts from habitat loss. Creating native habitat on solar farms has become a common practice to minimize impact resulting from habitat fragmentation on the landscape. Further information and free technical guidance from the NCWRC are available upon request. In addition, please refer to the NC Solar Technical Guidance document, created by the NC Pollinator Conservation Alliance: www.ncpollinatoralliance.org/energy.

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. Excessive silt and sediment loads can have detrimental effects on aquatic resources including destruction of spawning habitat, suffocation of eggs, and clogging of gills.
9. Develop a plan 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 site, and the land should be restored to pre-construction conditions.

Thank you for the opportunity to review and comment on this project. If I can be of further assistance, please contact me at (910) 409-7350 or gabriela.garrison@ncwildlife.org.

Ec: Susan Miller, USFS

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
MICHAEL SCOTT
Director



DATE: November 9, 2022

TO: Michael Scott, Division Director through Sharon Brinkley

FROM: Deb Aja, Western District Supervisor - Solid Waste Section Field Operations Branch

RE: SEPA Project #23-0068, Montgomery County, N.C.
Filo Solar, LLC Solar Facility

The Solid Waste Section has reviewed the Application of Filo Solar, LLC, for a Certificate of Public Convenience and Necessity to Construct a 75-MW in Montgomery County, North Carolina. The project was previously reviewed; the proposed project has since been amended to decrease capacity and add an additional parcel. The review has been completed and has found no adverse impact on the surrounding community and likewise knows of no situations in the community, which would affect this project from a solid waste perspective.

During the project, every feasible effort should be made to minimize the generation of waste, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of this project where suitable. Any waste generated by this project that cannot be beneficially reused or recycled must be disposed of at a solid waste management facility approved to manage the respective waste type. The Section strongly recommends that any contractors are required to provide proof of proper disposal for all waste generated as part of the project. A list of permitted solid waste management facilities is available on the Solid Waste Section portal site at: [Solid Waste Permitted Facility List](#).

Please contact Teresa Bradford, Environmental Senior Specialist, with any questions regarding solid waste management for this project. Ms. Bradford may be reached at (704) 235-2160 or by email at teresa.bradford@ncdenr.gov.

Ec: Jason Watkins, Field Operations Branch Head
Teresa Bradford, Environmental Senior Specialist



North Carolina Department of Environmental Quality | Division of Waste Management
Asheville Regional Office | 2090 U.S. Highway 70 | Swannanoa, North Carolina 28778
828.296.4500

OFFICIAL COPY

Nov 29 2022

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

Reviewing Regional Office: FRO
Project Number: 23-0068 Due Date: 11/15/2022
County: MONTGOMERY

After review of this project, it has been determined that the DEQ permit(s) and/or approvals indicated may need to be obtained 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 \$100 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 04B .0125 – Buffers Zones for Trout Waters shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater.		
<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)

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

Reviewing Regional Office: FRO
Project Number: 23-0068 Due Date: 11/15/2022
County: MONTGOMERY

OFFICIAL COPY

Nov 29 2022

	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 forms.	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 checked="" 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, Randleman, 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 checked="" type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.		
<input checked="" 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 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: FRO
Project Number: 23-0068 Due Date: 11/15/2022
County: MONTGOMERY

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

Division	Initials	No comment	Comments	Date Review
DAQ	JDC	<input checked="" type="checkbox"/>		10/31/2022
DWR-WQROS (Aquifer & Surface)	KMB & KMB	<input checked="" type="checkbox"/>	KMB & KMB	11/9/2022
DWR-PWS		<input type="checkbox"/>		/ /
DEMLR (LQ & SW)	MAJ	<input type="checkbox"/>	Submit an erosion and sediment control plan (ESCP) at least 30 days prior to initiating land-disturbing activity that satisfy the one (1) acre regulatory threshold. Obtain NPDES Construction Stormwater General Permit NCG010000 Certificate of Coverage prior to initiating land-disturbing activity following approval of the ESCP.	11/3/22
DWM – UST	KEC	<input type="checkbox"/>	The UST Section, Fayetteville Regional Office, does not have record of a petroleum release in the general area of concern for this project number, nor are there any records of registered USTs. https://ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=7dd59be2750b40bebebf49fc383f688	10/26/22
Other Comments		<input type="checkbox"/>		/ /

REGIONAL OFFICES

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

- | | | |
|---|--|--|
| <input type="checkbox"/> Asheville Regional Office
2090 U.S. 70 Highway
Swannanoa, NC 28778-8211
Phone: 828-296-4500
Fax: 828-299-7043 | <input checked="" type="checkbox"/> Fayetteville Regional Office
225 Green Street, Suite 714,
Fayetteville, NC 28301-5043
Phone: 910-433-3300
Fax: 910-486-0707 | <input type="checkbox"/> Mooresville Regional Office
610 East Center Avenue, Suite 301,
Mooresville, NC 28115
Phone: 704-663-1699
Fax: 704-663-6040 |
| <input type="checkbox"/> Raleigh Regional Office
3800 Barrett Drive,
Raleigh, NC 27609
Phone: 919-791-4200
Fax: 919-571-4718 | <input type="checkbox"/> Washington Regional Office
943 Washington Square Mall,
Washington, NC 27889
Phone: 252-946-6481
Fax: 252-975-3716 | <input type="checkbox"/> Wilmington Regional Office
127 Cardinal Drive Ext.,
Wilmington, NC 28405
Phone: 910-796-7215
Fax: 910-350-2004 |
| | <input type="checkbox"/> Winston-Salem Regional Office
450 Hanes Mill Road, Suite 300,
Winston-Salem, NC 27105
Phone: 336-776-9800
Fax: 336-776-9797 | |

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
MICHAEL SCOTT
Director



OFFICIAL COPY

Nov 29 2022

Date: November 1, 2022

To: Michael Scott, Director
Division of Waste Management

Through: Janet Macdonald
Inactive Hazardous Sites Branch

From: Robert J Kelley
Inactive Hazardous Sites Branch

Subject: NEPA Project # 23-0068 North Carolina Department of Commerce, Montgomery County, North Carolina

The Superfund Section has reviewed the proximity of sites under its jurisdiction to the North Carolina Department of Commerce Project. Environmental Review - Application of Filo Solar, LLC for Certificate to construct a 75-MW Solar Facility. Docket #SP-33082 Sub 0. View document at, <https://starw1.ncuc.gov/NCUC/page/docket-docs/PSC/DocketDetails.aspx?DocketId=9e3cb7f9-6825-41b8-92dd-271e659e9b36>, Type SP-33082 Sub 0 in the Docket Number search line. Located along Coggins Road, near the City of Biscoe, North Carolina, GPS Coordinates are 35.354310, -79.829956.

No (0) sites were identified within one mile of the project as shown on the attached report.

Please contact Janet Macdonald at 919.707.8349 if you have any questions concerning the Superfund Section review portion of this SEPA/NEPA inquiry.



North Carolina Department of Environmental Quality | Division of Waste Management
217 West Jones Street | 1646 Mail Service Center | Raleigh, North Carolina 27699-1646
919.707.8200



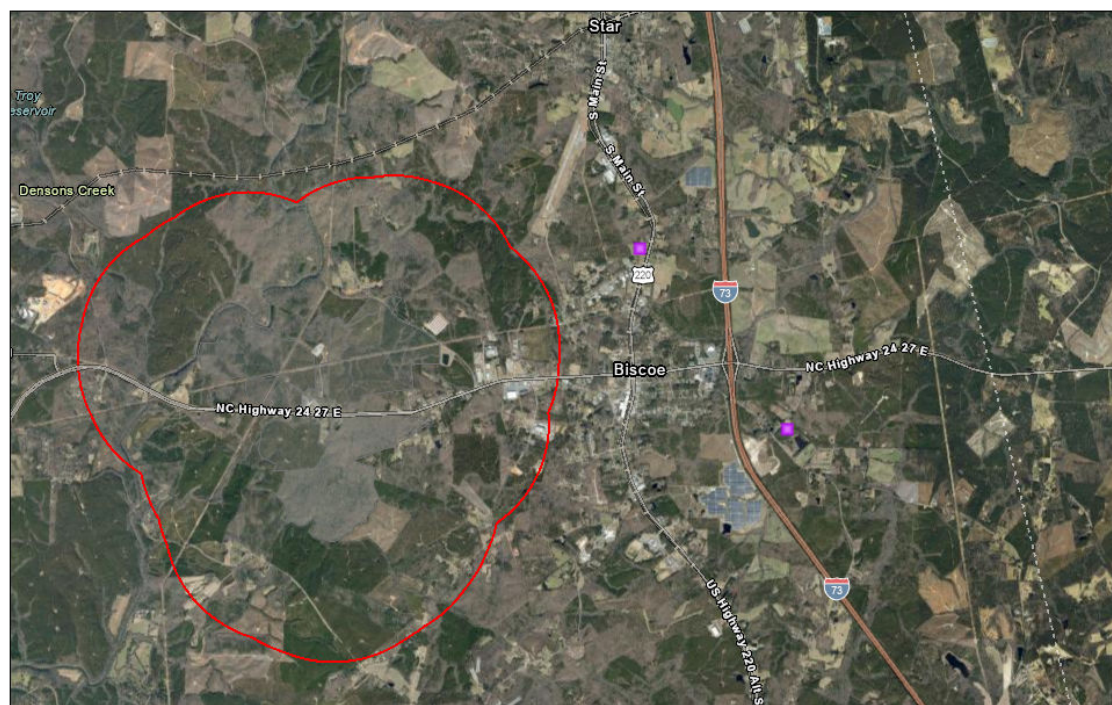
Superfund & Brownfield Sites SEPA/NEPA Review Report

Area of Interest (AOI) Information

Area : 7,756.91 acres

Nov 1 2022 13:04:19 Eastern Daylight Time

Montgomery County NEPA Project #23-0068



Pre Regulatory Landfill Sites

■ Activity Pending

1:72,224
0 0.5 1 2 mi
0 0.75 1.5 3 km
State of North Carolina, DOT, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, USDA, Source: Esri.

OFFICIAL COPY

Nov 29 2022

Environmental Review - Application of Filo Solar, LLC for Certificate to construct a 75-MW Solar Facility. Docket #SP-33082 Sub 0. View document at , <https://starw1.ncuc.gov/NCUC/page/docket-docs/PSC/DocketDetails.aspx?DocketId=9e3cb7f9-6825-41b8-92dd-271e659e9b36> , Type SP-33082 Sub 0 in the Docket Number search line. Located along Coggins Road, near the City of Biscoe, North Carolina, GPS Coordinates are 35.354310, -79.829956.

Summary

Name	Count	Area(acres)	Length(mi)
Certified DSCA Sites	0	N/A	N/A
Federal Remediation Branch Sites	0	N/A	N/A
Inactive Hazardous Sites	0	N/A	N/A
Pre-Regulatory Landfill Sites	0	N/A	N/A
Brownfields Program Sites	0	N/A	N/A

Department of Environmental Quality Project Review Form

OFFICIAL COPY

**Project Number: 23-0068
21-0914 & 22-0139**

County: Montgomery

Date Received: 10-21-2022

Due Date: 11-15-2022

**Project
Description:**

Environmental Review - Application of Filo Solar, LLC for Certificate to construct a 75-MW Solar Facility. Docket #SP-33082 Sub 0. View document at <https://starw1.ncuc.gov/NCUC/PSC/DocketDetails.aspx?DocketId=9e3cb7f9-6825-41b8-92dd-271e659e9b36>, Type SP-33082 Sub 0 in the Docket Number search line. Located along Coggins Road, near the City of Biscoe, North Carolina, GPS Coordinates are 35.354310, -79.829956.

Nov 29 2022

Regional Office	Regional Office Area	In-House Review
<input type="checkbox"/> Asheville	<input checked="" type="checkbox"/> Air	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Fayetteville	<input checked="" type="checkbox"/> DWR	<input type="checkbox"/> Parks & Recreation
<input type="checkbox"/> Mooresville	<input type="checkbox"/> DWR - Public Water	<input checked="" type="checkbox"/> Waste Mgmt
<input type="checkbox"/> Raleigh	<input checked="" type="checkbox"/> DEMLR (LQ & SW)	<input type="checkbox"/> Water Resources Mgmt
<input type="checkbox"/> Washington	<input checked="" type="checkbox"/> DWM	<input type="checkbox"/> (Public Water, Planning & Water Quality Program)
<input type="checkbox"/> Wilmington		<input type="checkbox"/> DWR-Transportation Unit
<input type="checkbox"/> Winston-Salem		
		<input type="checkbox"/> Coastal Management
		<input type="checkbox"/> Marine Fisheries
		<input type="checkbox"/> Military Affairs
		<input type="checkbox"/> DMF-Shellfish Sanitation
		<input checked="" type="checkbox"/> Wildlife <u>Gabriela</u>
		<input type="checkbox"/> Wildlife/DOT

Manager Sign-Off/Region:	Date: 11/9/22	In-House Reviewer/Agency: Melodi Deaver, Hazardous Waste Section
--------------------------	------------------	---

Response (check all applicable)

- ☐ No objection to project as proposed. ☒ No Comment
- ☐ Insufficient information to complete review ☐ Other (specify or attach comments)

If you have any questions, please contact:

Lyn Hardison at lyn.hardison@ncdenr.gov or (252) 948-3842
943 Washington Square Mall Washington NC 27889
Courier No. 16-04-01

Control No.: 23-E-4600-0068
County.: MONTGOMERY

Date Received: 10/21/2022
Agency Response: 11/21/2022
Review Closed: 11/21/2022

MATT REECE
CLEARINGHOUSE COORD REGION G
PIEDMONT TRIAD REGIONAL COUNCIL

Project Information

Type: State Environmental Policy Act ironmental Review
Applicant: North Carolina Department of Commerce
Project Desc.: Application of Filo Solar, LLC for Certificate to construct a 75MW Solar Facility in Montgomery County. Docket #SP-33082 Sub 0. View document at <http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx>, Type SP-33082 Sub 0 in the Docket Number search line.

Located along Coggins Road, near the City of Biscoe, North Carolina.

As a result of this review the following is submitted:

☒ No Comment ☐ Comments Below ☐ Documents Attached

Reviewed By: MATT REECE

Date: 10/21/2022

Control No.: 23-E-4600-0068
County.: MONTGOMERY

Date Received: 10/21/2022
Agency Response: 11/21/2022
Review Closed: 11/21/2022

JOSEPH HUDYNIA
CLEARINGHOUSE COORDINATOR
DEPT OF AGRICULTURE

Project Information

Type: State Environmental Policy Act ironmental Review
Applicant: North Carolina Department of Commerce
Project Desc.: Application of Filo Solar, LLC for Certificate to construct a 75MW Solar Facility in Montgomery County. Docket #SP-33082 Sub 0. View document at <http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx>, Type SP-33082 Sub 0 in the Docket Number search line.

Located along Coggins Road, near the City of Biscoe, North Carolina.

As a result of this review the following is submitted:

☐ No Comment ☐ Comments Below ☒ Documents Attached

Reviewed By: JOSEPH HUDYNIA

Date: 11/9/2022



Dr. Alexander Stewart
Assistant Commissioner

North Carolina Department of Agriculture
and Consumer Services
Agricultural Services

Joseph Hudyncia
Environmental Programs

Crystal Best
State Clearinghouse
N.C. Department of Administration
1301 Mail Service Center, Raleigh, NC 27699-1301

November 9, 2022
RE: S# 23-E-4600-0068

Dear Ms. Best:

The proposed ground-mounted photovoltaic electric generating facility has the potential to negatively impact agricultural, environmental and economic balance in the area of the development project. Development of all types continues to threaten two of the state's most valuable natural resources, i.e. productive farmland and forestland. As these lands are removed from production the associated potential for efficiently providing necessary agricultural products and ecosystem services for a growing population is reduced, and with it a substantial amount of recurring, local agriculture and forestry related economic activity generated by local farming incomes.

We encourage conservation of highly productive soils for agricultural use and recommend locating ground-mounted solar arrays of this scale on less productive sites on the associated tract if possible. Based on the county soil survey, the majority of land in the proposed development area includes prime farmland and farmland of statewide importance. Prioritization of potential sites to avoid development on prime farmlands may help mitigate impacts to agricultural resources.

Additionally, the use of best practices in construction and operation and maintenance of the facility are encouraged to preserve the productive capabilities of the site for future agricultural use, while maintaining or enhancing the integrity of unique or sensitive habitats. It is also recommended that a decommissioning plan that clearly defines the responsible party, process details, timeline, and specific responsibilities (including restoration) be incorporated into the development plan.

We have cross-referenced the parcel for existing easements related to agriculture and found no CREP conservation easements, swine buyout easements, ADFP easements, plant conservation easements, plant conservation priority sites, forest stewardship plans, or Voluntary Agricultural Districts associated with the subject property.

Respectfully,

Joe Hudyncia
Environmental Programs
N.C. Department of Agriculture & Consumer Services
(919)707-3070

Control No.: 23-E-4600-0068
County.: MONTGOMERY

Date Received: 10/21/2022
Agency Response: 11/21/2022
Review Closed: 11/21/2022

JINTAO WEN
CLEARINGHOUSE COORDINATOR
DPS - DIV OF EMERGENCY MANAGEMENT

Project Information

Type: State Environmental Policy Act ironmental Review
Applicant: North Carolina Department of Commerce
Project Desc.: Application of Filo Solar, LLC for Certificate to construct a 75MW Solar Facility in Montgomery County. Docket #SP-33082 Sub 0. View document at <http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx>, Type SP-33082 Sub 0 in the Docket Number search line.

Located along Coggins Road, near the City of Biscoe, North Carolina.

As a result of this review the following is submitted:

☐ No Comment ☒ Comments Below ☐ Documents Attached

The proposed project area encroaches into the Special Flood Hazard Area (SFHA), therefore a Floodplain Development Permit issued by Montgomery County will be required. Please coordinate with the county's Floodplain Administrator for permitting. Any work within the Floodway or Non-Encroachment Area will require a hydraulic analysis to determine the effects on flood levels from the proposed development. Any increase in flood levels during the base flood discharge will require a Conditional Letter of Map Revision (CLOMR) prior to construction. Otherwise, a "No-Rise" certification will be required.

Reviewed By: JINTAO WEN

Date: 11/14/2022

Control No.: 23-E-4600-0068
County.: MONTGOMERY

Date Received: 10/21/2022
Agency Response: 11/21/2022
Review Closed: 11/21/2022

JEANNE STONE
CLEARINGHOUSE COORDINATOR
DEPT OF TRANSPORTATION

Project Information

Type: State Environmental Policy Act ironmental Review
Applicant: North Carolina Department of Commerce
Project Desc.: Application of Filo Solar, LLC for Certificate to construct a 75MW Solar Facility in Montgomery County. Docket #SP-33082 Sub 0. View document at <http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx>, Type SP-33082 Sub 0 in the Docket Number search line.

Located along Coggins Road, near the City of Biscoe, North Carolina.

As a result of this review the following is submitted:

☒ No Comment ☐ Comments Below ☐ Documents Attached

Reviewed By: JEANNE STONE

Date: 10/26/2022

Control No.: 23-E-4600-0068
County.: MONTGOMERY

Date Received: 10/21/2022
Agency Response: 11/21/2022
Review Closed: 11/21/2022

DEVON BORGARDT
CLEARINGHOUSE COORDINATOR
DEPT OF NATURAL & CULTURAL
RESOURCE

Project Information

Type: State Environmental Policy Act ironmental Review
Applicant: North Carolina Department of Commerce
Project Desc.: Application of Filo Solar, LLC for Certificate to construct a 75MW Solar Facility in Montgomery County. Docket #SP-33082 Sub 0. View document at <http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx>, Type SP-33082 Sub 0 in the Docket Number search line.

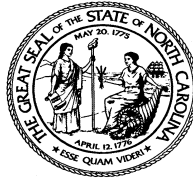
Located along Coggins Road, near the City of Biscoe, North Carolina.

As a result of this review the following is submitted:

☐ No Comment ☐ Comments Below ☒ Documents Attached

Reviewed By: DEVON BORGARDT

Date: 11/22/2022



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary D. Reid Wilson

Office of Archives and History
Deputy Secretary, Darin J. Waters, Ph.D.

November 22, 2022

MEMORANDUM

TO: Crystal Best
North Carolina State Clearinghouse
Department of Administration

crystal.best@doa.nc.gov

FROM: Ramona M. Bartos, Deputy
State Historic Preservation Officer

RMB for Ramona M. Bartos

SUBJECT: Construct an 80 MW Solar Photovoltaic Electric Generating Facility, 1679 NC Highway 24-27 East, adjacent to Chicken Farm Road and Coggins Road, Biscoe, Montgomery County, SCH # 23-E-4600-0068, ER 21-1329

Thank you for your submission of October 21, 2022, concerning the above project.

We have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed.

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 919-814-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

OFFICIAL COPY

Nov 29 2022