



STATE OF NORTH CAROLINA
DEPARTMENT OF ADMINISTRATION

ROY COOPER
GOVERNOR

MACHELLE SANDERS
SECRETARY

February 20, 2019

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

Re: SCH File # 19-E-4600-0165; Application of Fern Solar, LLC for Certificate to construct a 100 MW Solar Facility in Edgecombe Co. Docket #EMP-104, Sub 0.

Dear Ms. Jarvis:

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. 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:
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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Feb 20 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: 19-0165
Environmental Review – Application of Fern Solar, LLC for the Certificate to
construct a 100 MW Solar Facility
Edgecombe County

Date: February 11, 2019

The Department of Environmental Quality has completed its review of the proposal for the referenced project. Based on the information provided, several of our agencies have identified permits and offered guidance. The comments are attached for review.

A project of this size should have 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 ask the applicant to contact David Lee, Permit Assistance Coordinator, in the Department's Raleigh Regional Office, to coordinate a scoping meeting. His contact information is (919)791-4200 and david.lee@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 Customer Service

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

DATE: February 8, 2019

SUBJECT: Fern Solar LLC, 100 MW Solar Facility, Docket #EMP-104 Sub 0, Edgecombe County, North Carolina.
OLIA No. 19-0165

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 100 MW solar facility located on approximately 1,235 acres on several different parcels bordered by Battleboro-Leggett Road, Benson Farm Road, Morning Star Church Road, Speights Chapel Road and NC Hwy 33 as well as several creeks including Swift Creek, Moccasin Creek, Beech Branch, and Falling Run.

A map of the proposed project site indicates the majority of the solar facility has been sighted in open agricultural land, outside the "FEMA Zone". 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. The cumulative impact from this project as well as other developments in the vicinity may pose significant impacts to important aquatic resources.

The project area is subject to the NCDWR's Tar-Pamlico Basin buffer rules and is adjacent to jurisdictional features that serve that drain into the Tar River. The project area is immediately adjacent and within several important tributaries, including Swift Creek, Moccasin Creek, Beech Branch, and Falling Run. The Tar River and its tributaries are known to have numerous fresh water mussel species. Included in the USFWS Edgecombe County records are Dwarf wedgemussel (*Alasmidonta heterodon*), Tar River spiny mussel (*Parvaspina steinstansana*), Yellow lance (*Elliptio lanceolata*), Atlantic pigtoe

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

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Feb 20 2019

(*Pisconacia masoni*), and Green floater (*Lasmigona subviridis*). Several other species important to the NCWRC and listed in the Wildlife Action Plan are Eastern Elliptio (*Elliptio complanata*) and Creeper (*Sirophitus undulatus*). In addition to the freshwater mussels, Carolina madtom (*Noturus furiosus*) may be found in the area. **Therefore, NCWRC recommends a minimum 200-foot native, forested buffer on perennial streams and a 100-foot forested buffer on intermittent streams, or the full extent of the 100-year floodplain, adjacent to features that contain threatened or endangered species. This is greater than the buffer requirements for the NCDWR's Tar / Pamlico Basin Buffer Rules, but maintaining undisturbed, forested buffers along these areas would reduce impacts to aquatic and terrestrial wildlife resources and improve water quality. Grassed buffers do not provide the necessary and highly valuable functions that forested buffers provide. Sediment and erosion control structures should also be located outside of these buffers.**

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

1. As mentioned above, a 200-foot native, forested buffer on perennial streams and a 100-foot forested buffer on intermittent streams, or the full extent of the 100-year floodplain, adjacent to features that contain threatened or endangered species should be established.
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 NCDWR 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. Pesticides or chemicals should not be used for site maintenance, especially in areas near wetlands and water courses. If used on parts of the property, 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.ncwildlife.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.dunn@ncwildlife.org.

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

Reviewing Regional Office: Raleigh
Project Number: 19-0165 Due Date: 02/11/2019
County: Edgecombe

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 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 checked="" 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 \$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 <u>Local Government's</u> 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)

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

Reviewing Regional Office: Raleigh
Project Number: 19-0165 Due Date: 02/11/2019
County: Edgecombe

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Feb 20 2019

	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 of 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 checked="" 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 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: Raleigh
Project Number: 19-0165 Due Date: 02/11/2019
County: Edgecombe

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

Division	Initials	No comment	Comments	Date Review
DAQ	MRF	<input type="checkbox"/>	See checked boxes above.	2/5/19
DWR-WQROS (Aquifer & Surface)	&	<input type="checkbox"/>	A project of this size should request a scoping meeting with the State and Federal permitting and resources agencies. (USACE, Water Resource, NC Wildlife and Land Quality - The meeting will help expedite the permitting processes for the applicant. Contact David Lee at 919-791-3904 david.lee@ncdenr.gov to schedule this meeting for you and the permitting and resources agencies &	/ / / /
DWR-PWS		<input type="checkbox"/>		/ /
DEMLR (LQ & SW)		<input type="checkbox"/>	Will need a sedimentation & Erosion control plan	/ /
DWM – UST	MRP	<input type="checkbox"/>		2/6/19
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



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

MICHAEL SCOTT
Director

January 16, 2019

To: Michael Scott, Director
Division of Waste Management

From: Heather Goldman, Eastern Regional Compliance Supervisor
Hazardous Waste Section, Compliance Branch

Subject: Hazardous Waste Section's comments for the application of Fern Solar, LLC for Certificate to construct a 100 MW Solar Facility in Edgecombe Co (Edgecombe County), Project Number: 19-0165.

The Division of Waste Management, Hazardous Waste Section (HWS) has reviewed the subject Environmental Review and would like to make the following comment:

Any hazardous waste generated from the demolition, construction, operation, maintenance, and/or remediation (e.g. excavated soil) from the proposed project must be managed in accordance with the North Carolina Hazardous Waste Rules. The demolition, construction, operation, maintenance, and remediation activities conducted will potentially generate a solid waste, and a determination must be made whether the waste is a hazardous waste, per 40 CFR 262.11. If a project site generates equal to or greater than 220-pounds and less than 2200-pounds of non-acute hazardous waste in a calendar month, the HWS must be notified, and the site must comply with the small quantity generator (SQG) requirements. If a project site generates equal to or greater than 2200-pounds of non-acute hazardous waste or more than 2.2 pounds of acute hazardous waste in a calendar month, the HWS must be notified, and the facility must comply with the large quantity generator (LQG) requirements.

Both SQGs & LQGs are required to obtain a site EPA Identification number for the generation of hazardous waste.

Should any questions arise, please contact Heather Goldman at 980.224.9858.





NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

MICHAEL SCOTT
Director

Date: January 24, 2019

To: Michael Scott, Director
Division of Waste Management

Through: Janet Macdonald
Inactive Hazardous Sites Branch – Special Projects Unit

From: Bonnie S. Ware
Inactive Hazardous Sites Branch

Subject: SEPA Project #19-0165, NC Department of Commerce, Edgecombe County, North Carolina

The Superfund Section has reviewed the proximity of sites under its jurisdiction to the USDA Forest Service project. Proposed project is for the application of Fern Solar, LLC for Certificate to construct a 100 MW Solar Facility in Edgecombe Co.

No 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.



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

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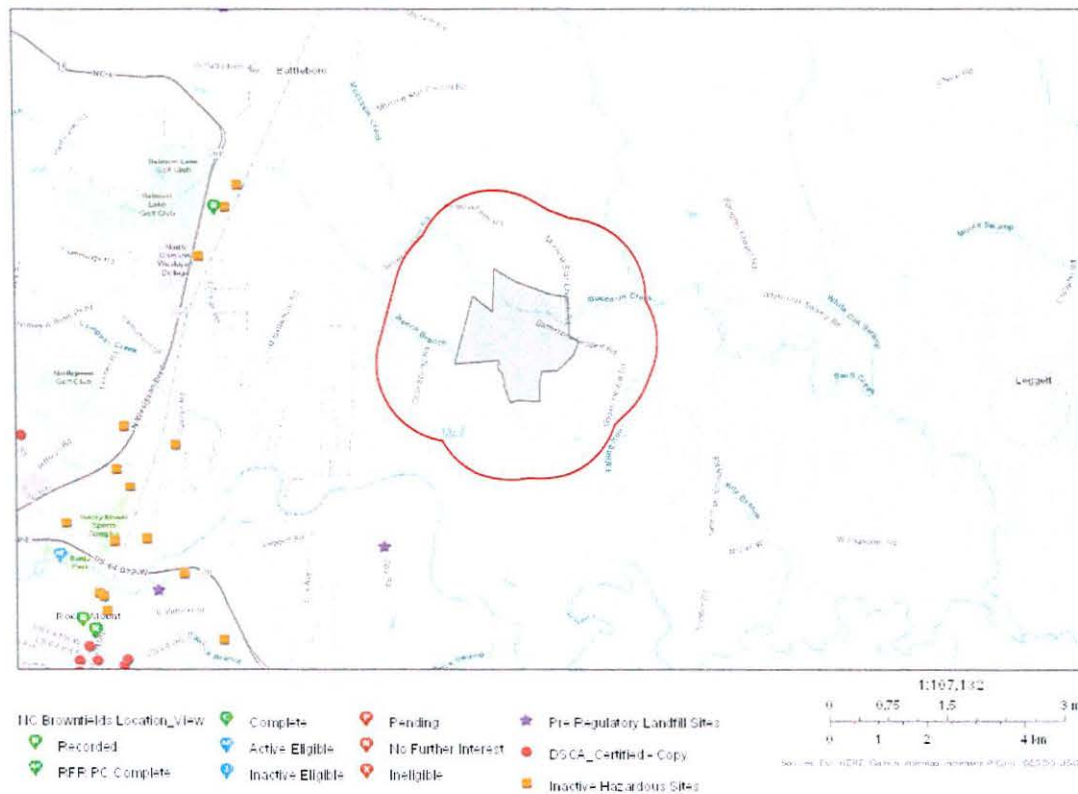


SEPA/NEPA Review Report

Area of Interest (AOI) Information

Area : 6,414.31 acres

Jan 24 2019 15:20:38 Eastern Standard Time



19-0165_A Edgecombe County

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

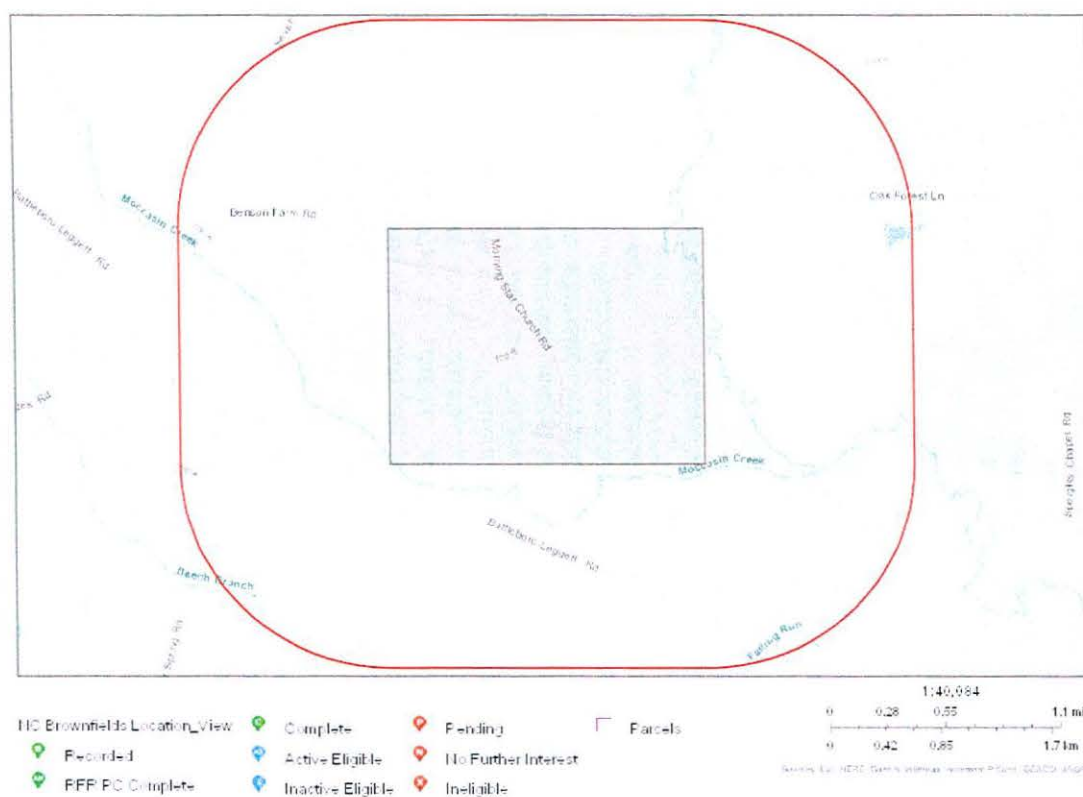


SEPA/NEPA Review Report

Area of Interest (AOI) Information

Area : 6,458.24 acres

Jan 24 2019 15:28:3 Eastern Standard Time



109-0165_B Edgecombe County

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

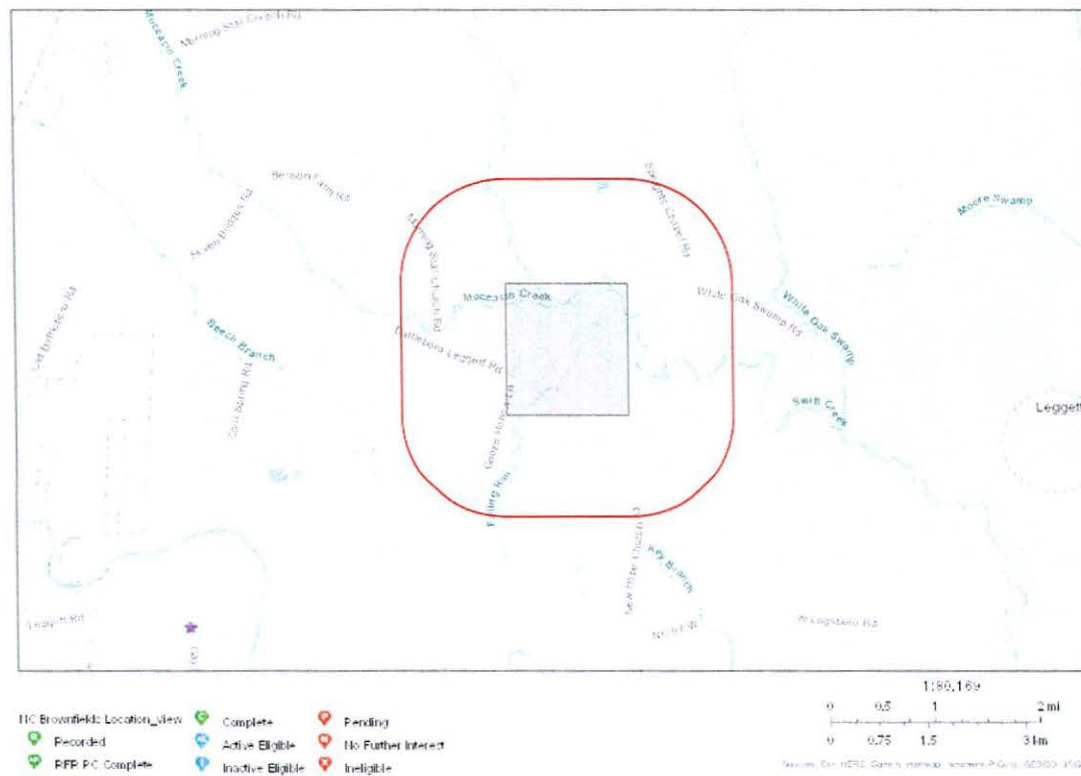


SEPA/NEPA Review Report

Area of Interest (AOI) Information

Area : 6,038.18 acres

Jan 24 2019 15:32:14 Eastern Standard Time



19-0165_C Edgecombe County

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



Area : 15,918.2 acres

Jan 24 2019 15:36:39 Eastern Standard Time



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

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

MICHAEL SCOTT
Director



MEMORANDUM

TO: Michael Scott, Division Director through Sharon Brinkley

FROM: Drew Hammonds, Eastern District Supervisor - Solid Waste Section

DATE: February 5, 2019

SUBJECT: Review: SW 19-0165 – Edgecombe County (Environmental Review – Application for Fern Solar, LLC for Certificate to construct a 100 MW Solar Facility in Edgecombe Co.)

The Division of Waste Management, Solid Waste Section (Section) has reviewed the environmental review documents for the subject project in Edgecombe County, NC. Based on the information provided in this document, the Section does not see an adverse impact on the surrounding community and likewise knows of no situations in the community, which would affect this project.

It is recommended that during any land clearing, demolition and the construction of this project, Fern Solar, LLC and/or its contractors should make every feasible effort 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 permitted by the Division. The Section strongly recommends that Fern Solar, LLC require all contractors to provide proof of proper disposal for all generated waste to permitted facilities.**

Permitted solid waste management facilities are listed on the Division of Waste Management, Solid Waste Section portal site at: <https://deq.nc.gov/about/divisions/waste-management/waste-management-rules-data/solid-waste-management-annual-reports/solid-waste-permitted-facility-list>

Questions regarding solid waste management for this project should be directed to Mr. John College, Environmental Senior Specialist, Solid Waste Section, at (919) 268-1524.

cc: John College, Environmental Senior Specialist



**NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW**

COUNTY: EDGECOMBE

H11: ENERGY RELATED
FACILITIES/ACTIVITIES

STATE NUMBER: 19-E-4600-0169
DATE RECEIVED: 01/15/2019
AGENCY RESPONSE: 02/11/2019
REVIEW CLOSED: 02/14/2019

MR JOSEPH HUDYNIA
CLEARINGHOUSE COORDINATOR
DEPT OF AGRICULTURE
1001 MSC - AGRICULTURE BLDG
RALEIGH NC

REVIEW DISTRIBUTION

DEPT OF AGRICULTURE
DEPT OF ENVIRONMENTAL QUALITY
DEPT OF NATURAL & CULTURAL RESOURCE
DEPT OF TRANSPORTATION
DNCR - NATURAL HERITAGE PROGRAM
DPS - DIV OF EMERGENCY MANAGEMENT
UPPER COASTAL PLAIN COG

PROJECT INFORMATION

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

DESC: Application of Fern Solar, LLC for Certificate to construct a 100 MW Solar Facility in Edgecombe Co. Docket #EMP-104, Sub 0. - View document at <http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx>, Type EMP-104 Sub 0 in the Docket Number search line.

Located on non-contiguous parcels of land located generally between Battleboro-Leggett Road, Cool Springs Road and Speights Chapel Road, approximately 3.2 miles northeast of Rocky Mount and 6.7 miles northwest of Tarboro, Edgecombe County.

Amended due to the additional land added to the facility site.

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: [Signature]

DATE: 2/11/2019

This application

~~Did / Did Not~~ have a CREP conservation easement on the subject property. *May*

Did / ~~Did Not~~ have a Swine buyout easement on the subject property

Did / ~~Did Not~~ have ADFP easement on the subject property

Did / ~~Did Not~~ have a plant conservation easement on the subject property

Did / ~~Did Not~~ have a plant conservation priority site on the subject property

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Feb 20 2019



Dr. Alexander Stewart
Assistant Commissioner

North Carolina Department of Agriculture
and Consumer Services
Agricultural Services

Joseph Hudyncia
Environmental Programs

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Feb 20 2019

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

RE: S# 19-E-4600-0165

February 11, 2019

Dear Ms. Best:

The proposed ground-mounted photovoltaic electric generating facility has the potential to negatively impact agricultural, environmental and economic balance in the immediate area of the development project. Development of all types continues to be a threat to one of the state's most valuable natural resources, i.e. productive farmland. As productive farmland is removed from agricultural production, the associated potential for providing necessary agricultural products for a growing population is reduced; and with it a substantial amount of recurring, local economic activity generated by local farm-related incomes.

We encourage conservation of highly productive soils for their best use – agriculture, and recommend locating ground-mounted solar arrays of this scale on less productive sites on the associated tract if possible. Prioritization of sites based on potential agricultural productivity, whereby less productive sites are selected for development and more productive sites are retained for agricultural production, may help mitigate impacts of this type of land use on agricultural resources. One means to assess the agronomic potential of soils is to first consult the published county soil survey to identify soil types (map units) and distribution, and then use the NC State Cooperative Extension Realistic Yield Expectations for NC Soils database tool (<https://realisticyields.ces.ncsu.edu/>) to compare yield potential of identified soil map units.

Additionally, the use of best practices in construction and maintenance of the facility are encouraged to preserve the productive capabilities of the land for any future agricultural use and maintain 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 to prior condition) be incorporated into the development agreement.

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 or plant conservation priority sites on the subject property.

Respectfully,

Joseph Hudyncia
Environmental Programs
NCDA&CS
joseph.hudyncia@ncagr.gov

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

JAN 22 2019

COUNTY: EDGECOMBE

H11: ENERGY RELATED
FACILITIES/ACTIVITIES

STATE NUMBER: 19-E-4600-016
DATE RECEIVED: 01/15/2019
AGENCY RESPONSE: 02/11/2019
REVIEW CLOSED: 02/14/2019

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

REVIEW DISTRIBUTION

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DEPT OF ENVIRONMENTAL QUALITY
DEPT OF NATURAL & CULTURAL RESOURCE
DEPT OF TRANSPORTATION
DNCR - NATURAL HERITAGE PROGRAM
DPS - DIV OF EMERGENCY MANAGEMENT
UPPER COASTAL PLAIN COG

PROJECT INFORMATION

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

DESC: Application of Fern Solar, LLC for Certificate to construct a 100 MW Solar Facility in Edgecombe Co. Docket #EMP-104, Sub 0. - View document at <http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx>, Type EMP-104 Sub 0 in the Docket Number search line.

Located on non-contiguous parcels of land located generally between Battleboro-Leggett Road, Cool Springs Road and Speights Chapel Road, approximately 3.2 miles northeast of Rocky Mount and 6.7 miles northwest of Tarboro, Edgecombe County.

Amended due to the additional land added to the facility site.

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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:

David Herlong

DATE:

1/22/19

Not in SFHA.

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Feb 20 2019

**NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW**

COUNTY: EDGECOMBE

H11: ENERGY RELATED
FACILITIES/ACTIVITIES

STATE NUMBER: 19-E-4600-0165
DATE RECEIVED: 01/15/2019
AGENCY RESPONSE: 02/11/2019
REVIEW CLOSED: 02/14/2019

MR RODNEY BUTLER
CLEARINGHOUSE COORDINATOR
DNCR - NATURAL HERITAGE PROGRAM
1651 MAIL SERVICE CENTER
RALEIGH NC

REVIEW DISTRIBUTION

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UPPER COASTAL PLAIN COG

PROJECT INFORMATION

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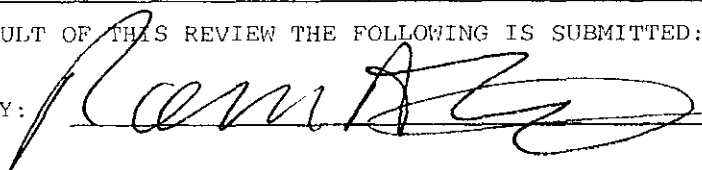
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AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: ☒ NO COMMENT ☐ COMMENTS ATTACHED

SIGNED BY:



DATE:

2/8

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Feb 20 2019

Edgecombe

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: EDGECOMBE

H11: ENERGY RELATED
FACILITIES/ACTIVITIES

STATE NUMBER: 19-E-4600-0165
DATE RECEIVED: 01/15/2019
AGENCY RESPONSE: 02/11/2019
REVIEW CLOSED: 02/14/2019

MS RENEE GLEDHILL-EARLEY
CLEARINGHOUSE COORDINATOR
DEPT OF NATURAL & CULTURAL RESOURCE
STATE HISTORIC PRESERVATION OFFICE
MSC 4617 - ARCHIVES BUILDING
RALEIGH NC

Received: 01/29/2019
State Historic Preservation Office

CH 19-0261

REVIEW DISTRIBUTION

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DEPT OF NATURAL & CULTURAL RESOURCE
DEPT OF TRANSPORTATION
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DPS - DIV OF EMERGENCY MANAGEMENT
UPPER COASTAL PLAIN COG

Due -- 2/6/19

A- See comments
MST 2/4/2019

PROJECT INFORMATION

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

Due -- 2/12/19

S- (NIC) CBH 2/8/19

DESC: Application of Fern Solar, LLC for Certificate to construct a 100 MW Solar Facility in Edgecombe Co. Docket #EMP-104, Sub 0. - View document at <http://starw1.ncuc.net/NCUC/portal/ncuc/page/Dockets/portal.aspx>, Type EMP-104 Sub 0 in the Docket Number search line.

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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:

Renee Gledhill-Earley

DATE:

2.19.19

JAN 30 2019

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Feb 20 2019



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

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary Susi H. Hamilton

Office of Archives and History
Deputy Secretary Kevin Cherry

February 19, 2019

MEMORANDUM

TO: Crystal Best
North Carolina State Clearinghouse
Department of Administration

FROM: Ramona M. Bartos *RMB for Ramona M. Bartos*

SUBJECT: Construct 100 MW Fern Solar Farm, Speights Chapel Road & Battleboro Leggett Road,
Tarboro, Edgecombe County, CH 19-0261

Thank you for your submission concerning the above referenced project. We have reviewed the materials provided and offer the following comments.

The proposed project area contains bluffs and floodplains of the Tar River as well as landforms associated with the confluence of Moccasin Creek and Swift Creek, and therefore has a high probability for containing precolonial American Indian archaeological sites. In addition, a 1905 map of Edgecombe County indicates that the remains of historic structures and associated archaeological remains are likely present in the project area. As a result, we recommend the following conditions for this application:

Prior to the initiation of any ground disturbing activities within the project area, we recommend a comprehensive archaeological survey of the project area be conducted by an experienced archaeologist. The purpose of this survey will be to identify and evaluate the significance of archaeological sites that may be damaged or destroyed by the proposed project. Potential effects on unknown resources must be assessed prior to the initiation of construction activities. Please note that our office now requests consultation with the Office of State Archaeology Review Archaeologist to discuss appropriate field methodologies prior to the archaeological field investigation.

One paper and one digital copy of all resulting archaeological reports, as well as one digital copy of the North Carolina site form for each site recorded, 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.

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