



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

September 22, 2016

Ms. Patty Shore, VP Project Development
Hecate Energy Clarke County LLC
115 Rosa Parks Blvd.
Nashville, Tennessee 37203

Location: Clarke County
Registration No.: 2016-S03

Dear Ms. Shore:

The Department of Environmental Quality (DEQ), after consultation with other agencies in the Secretariat of Natural Resources, has completed its review of your application for coverage under the Small Renewable Energy Project (Solar) Permit By Rule.

Permit by Rule Determination: Based upon this review, the Hecate Energy Clarke County LLC application received on August 18, 2016, including all commitments referenced within the Application Documents including but not limited to the mitigation measures under Item 8, Mitigation Plan (Application Documents: pg. 31-33) accomplishes all of the requirements of 9VAC15-60-30.

DEQ accepts the determination that by including in the application the mitigation measures for wetlands (0.37 acres off set through the purchase of mitigation credits on a 1:1 ratio) and tree removal (by incorporating the use of the new guidelines for Threatened and Endangered (T&E) species listed below), no formal mitigation for wildlife resources is required. The Virginia Department of Game and Inland Fisheries guidelines and guidance on tree removal and T&E bats is available at:

<http://www.dgif.virginia.gov/environmental-programs/environmental-services-section/>

<http://www.dgif.virginia.gov/wildlife/bats/northern-long-eared-bat-application/>

<http://www.dgif.virginia.gov/wildlife/bats/little-brown-bat-tri-colored-bat-winter-habitat-roosts-application/>

http://www.dgif.virginia.gov/wp-content/uploads/LBBA_TCBA_Guidance.pdf

<http://www.dgif.virginia.gov/wp-content/uploads/VDGIF-Time-of-Year-Restrictions-Table.pdf>

DEQ also agrees with the determination that the Virginia Landmarks Register (VLR)-listed property (Greenway Historic District; DHR ID #021-0963) and three potentially VLR-eligible properties (DHR ID #s 021-0673, 021-0679, and 034-0444) located within the 0.5-mile study area shall be sufficiently screened with appropriate vegetative buffers as discussed on page 31 and treated as eligible for VLR-listing.

Therefore, authority is hereby granted to Hecate Energy Clarke County LLC to construct and operate a photovoltaic project in Clarke County on a 235 acre parcel located at the northeast corner of Double Tollgate Road and Highway 522, with a maximum capacity of 20 MW in accordance with the Application Documents and this letter of approval.

In addition, DEQ strongly encourages the applicant to incorporate the Recommended Actions listed below.

Recommended Actions: The following are recommended actions to further protect natural resources and should be considered for inclusion to the list of Mitigation Measures committed to under Item 8 Mitigation Plan, pgs. 31-33 of the Application Documents:

- Reduce potential impacts to karstic features; contact Wil Orndorff, Department of Conservation and Recreation (DCR) Karst Program, Wil.Orndorff@dcr.virginia.gov for guidance. If the project involves the filling or "improvement" of sinkholes or cave openings please provide DCR with detailed location information and copies of the design specifications. If improvement is for storm water discharge, copies of the Virginia Department of Transportation Form EQ-120 will suffice.
- Reduce fragmentation by (i) minimizing edge in remaining fragments (leaving round versus long, skinny fragments); (ii) retaining connective corridors that allow for migration between fragments; and (iii) by designing intervening

landscape to minimize its hostility to native wildlife. Minimizing fragmentation is a key mitigation measure that will preserve connectivity of habitats that are key for biodiversity.

- Use of native vegetation under panel arrays as proposed in the application (pg. 27 Application Documents) should be extended to include the use of native vegetation for any new landscaping required to screen existing cultural resources and for any buffers around the site perimeter borders. A seasonal mowing schedule should be developed to avoid nesting season.
- Develop a monitoring and control plan for invasive species.
- Treat invasive vegetation within the project area prior to construction.
- Examine earth moving equipment for rhizomes and seed heads; any soils that may be brought into the construction should be inspected for propagules.
- Strict adherence to erosion and sediment control measures.

Hecate Energy Clarke County LLC shall notify Mary E. Major, DEQ Office of Renewable Energy Permitting, of the actual date on which construction of the solar project commences as soon as practicable. In addition, Hecate Energy Clark County LLC shall provide an as-built map of the project post construction.

Please note that if Hecate Energy Clarke County LLC is later determined by the DEQ not to qualify for coverage under the terms and conditions of the Small Renewable Energy Project (Solar) Permit By Rule, then Hecate Energy Clark County LLC will be subject to enforcement action under the enforcement provisions of the Small Renewable Energy Project (Solar) Permit By Rule (9VAC15-60-140) for operation without a permit.

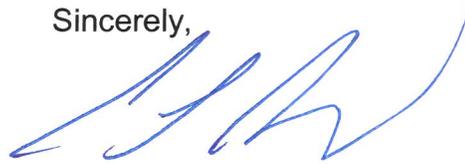
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of the service of this decision to initiate an appeal of this decision, by filing notice with:

David K. Paylor, Director
Virginia Department of Environmental Quality
ATTN: Office of Renewable Energy Permitting
Post Office Box 1105
Richmond, Virginia 23218

In the event this decision is served to you by mail, three days will be added to that period. Please refer to Part Two of the Rules of the Supreme Court of Virginia, which describes the required content of the Notice of Appeal, including specification of the Circuit Court to which the appeal is taken, and additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this authorization under the Small Renewable Energy Project Permit By Rule, please contact Mary E. Major at 804-698-4423.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AJ', is written over the word 'Sincerely,'.

Angela Jenkins, Director
Division of Policy