



# 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

October 17, 2016

Mr. Matthew Meares  
Virginia Solar/Correctional Solar LLC  
12610 Lizfield Way  
Glen Allen, VA 23509

Location: New Kent County  
Registration No.: 2016-S04

Dear Mr. Meares:

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 VA Solar/Correctional Solar LLC application received on August 29, 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. 36-45) and incorporating the findings and additional requirements as identified in the letter from Department of Historic Resources (DHR) to DEQ dated October 5, 2016, outlined below, accomplishes all of the requirements of 9VAC15-60-30.

The mitigation plan to address the potential impact of the project on archaeological sites 44NK0292 and 44NK0293 is acceptable provided the following measures are included:

1. DHR must review and approve the results and recommendations of the Phase II archaeological evaluations of sites 44NK0292 and 44NK0293 prior to implementing any avoidance or data recovery plan.
2. DHR must review and approve any data recovery plan of all unavoidable impacts to VLR-eligible archaeological sites prior to implementation of the plan.
3. Removal of trees within the boundaries of potentially eligible and eligible archaeological sites will be cut by hand and stumps left in place. DHR must be contacted prior to removal of any felled trees to ensure that removal procedure will not impact sites.

DEQ accepts the determination that no formal mitigation for wildlife resources is required.

Therefore, authority is hereby granted to Virginia Solar/Correctional Solar LLC to construct and operate a photovoltaic project in New Kent County on 429 acres across multiple parcels, on land south east of the intersection of New Kent Highway and Mt. Nebo Rd. as well as along the west side of Barham Rd. just south of the New Kent Highway/Mt. Nebo Rd. intersection, 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 Department of Game and Inland Fisheries and Department of Conservation and Recreation 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. 36-45 of the Application Documents:

- Follow the Virginia Department of Game and Inland Fisheries guidelines and guidance on tree removal and T&E bats. Guidelines and guidance 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/LBBA_TCBA_Guidance.pdf)

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

- Review the site to ensure there are no bald eagle nests on site and adhere to the Virginia Bald Eagle Guide for Landowners found at: <https://www.dgif.virginia.gov/wp-content/uploads/virginia-bald-eagle-guidelines-for-landowners.pdf>.
- The proposed project will fragment a C5 core and a corridor as identified in the Virginia Conservation Vision – a GIS analysis for identifying and prioritizing conservation lands in Virginia. 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. 18 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.

Virginia Solar/Correctional Solar 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, Virginia Solar/Correctional Solar LLC shall provide an as-built map of the project post construction.

Please note that if Virginia Solar/Correctional Solar 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 Virginia Solar/Correctional Solar 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.

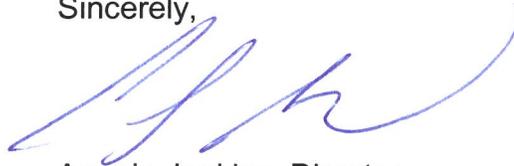
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of the service of this decision to initiate an appeal of this decision, by filing notice with:

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,



Angela Jenkins, Director  
Division of Policy