

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
1949 Industrial Park Road, Room 140
Conway, South Carolina 29526
and
THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Water Quality Certification and Wetlands Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION

Refer to: P/N SAC-2021-00411

January 28, 2022

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Mr. Connor Echols
Silicon Ranch Corporation
222 Second Avenue South, Suite 1900
Nashville, Tennessee 37201

for a permit to construct and operate two, single-axis tracking photovoltaic (PV) solar power facilities in and adjacent to

freshwater wetlands and tributaries

at a location described as a 2,082-acre parcel directly adjacent to Saints Delight Road, Georgetown County, South Carolina (Latitude: 33.3356°N, Longitude: -79.5287°W), Cedar Creek quad sheet.

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

15 Days from the Date of this Notice,

and **SCDHEC** will receive written statements regarding the proposed work until

30 Days from the Date of this Notice

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of the construction of two (2) single-axis tracking PV solar power facilities (SR Lambert I and SR Lambert II) directly adjacent to each other on a 2,082-acre site, of which, 1,249 acres will be developed for the two facilities. The proposed facility would connect to the existing Santee Cooper 230-kV transmission powerline adjacent to the Santee Cooper owned substation, which are both located within or immediately adjacent to the site. In detail, the proposed project will permanently impact 1.34 acres of wetlands associated with the construction of gravel access roads and inverter pads. According to the applicant, the proposed project will also temporarily impact 122 acres of wetlands including trenching and backfilling, grubbing and site preparation. The site contains approximately 10,927 linear feet of non-wetland waters (tributaries) and 393.64 acres of wetlands. According to the applicant, the "Wetlands have been managed in timber production for over fifty years and are currently undergoing active silviculture management or have been recently cleared. Wetland hydrology, soils, and vegetation are altered and have very impaired functions."

The proposed site preparation includes surveying and staking, removal of tall vegetation, small trees and stumps, light grading and clearing, installation of security fence, installation of erosion control BMP's, and preparation of construction laydown areas. Grading activities will be performed with portable earthmoving equipment. According to the applicant, "Grading at the site is expected to result in a net zero balanced cut-and-fill quantity of earthwork to the extent practical and therefore not require any off-site or on-site hauling." "...minor grubbing and site preparation would occur in the cleared wetlands to drive piles to support the solar panels. Discharge of fill is not anticipated in the temporary impact areas and wetlands would remain underneath the solar panels. While these areas would be temporarily impacted to remove pine stumps, through SRC's Regenerative Energy program, the wetlands would be restored into an herbaceous habitat with improved biodiversity and the potential for pollinator species."

Approximately 16 to 20-foot-wide gravel access roads, which align with the existing timber roads, would provide vehicular access to construct, and maintain the solar panels and inverters. The PV panels will be constructed with steel piles installed using a vibratory pile driver with a depth of 6 to 10 feet below grade. The solar facility would be composed of approximately 583,344 PV panels, each capable of producing approximately 480 watts, mounted together in arrays. The arrays would connect to a total of approximately 68, 3.425-megavolt-ampere central inverters to convert DC electricity generated by the solar panels into AC electricity for transmission across the project's electrical collection system and to the Santee Cooper distribution system. The applicant has proposed to mitigate for impacts to wetlands and/or waters of the United States by purchasing 12.06 compensatory mitigation credits from an approved mitigation bank. According to the applicant, compensatory mitigation credits are not proposed for temporary impacts as these wetland areas will be revegetated in native, wetland seed mixes, and maintained as herbaceous

wetlands beneath the solar panels. According to the applicant, the project purpose is to develop solar energy resources in support of Santee Cooper's 2020 Integrated Resource Plan, which includes an initial goal for 500 MW of solar capacity, and an additional 1,000 MW of solar resources to be secured between 2023 and 2032.

NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. This Public Notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 123 acres of freshwater wetlands located inland of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined that potentially suitable habitat for the northern long-eared bat (*Myotis septentrionalis*) (NLEB) is present on site. However, the District Engineer, based on the most recently available information, has determined that the project is not likely to adversely affect the NLEB or any other Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. In addition, the applicant coordinated the proposed project with the U.S. Fish and Wildlife Service on December 8, 2021. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(1)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and any other interested parties to provide any information they may have with regard to historic properties. In addition, the applicant coordinated the proposed project with the SHPO on September 7, 2021. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

The Corps is soliciting comments from the public; Federal, state, and local agencies

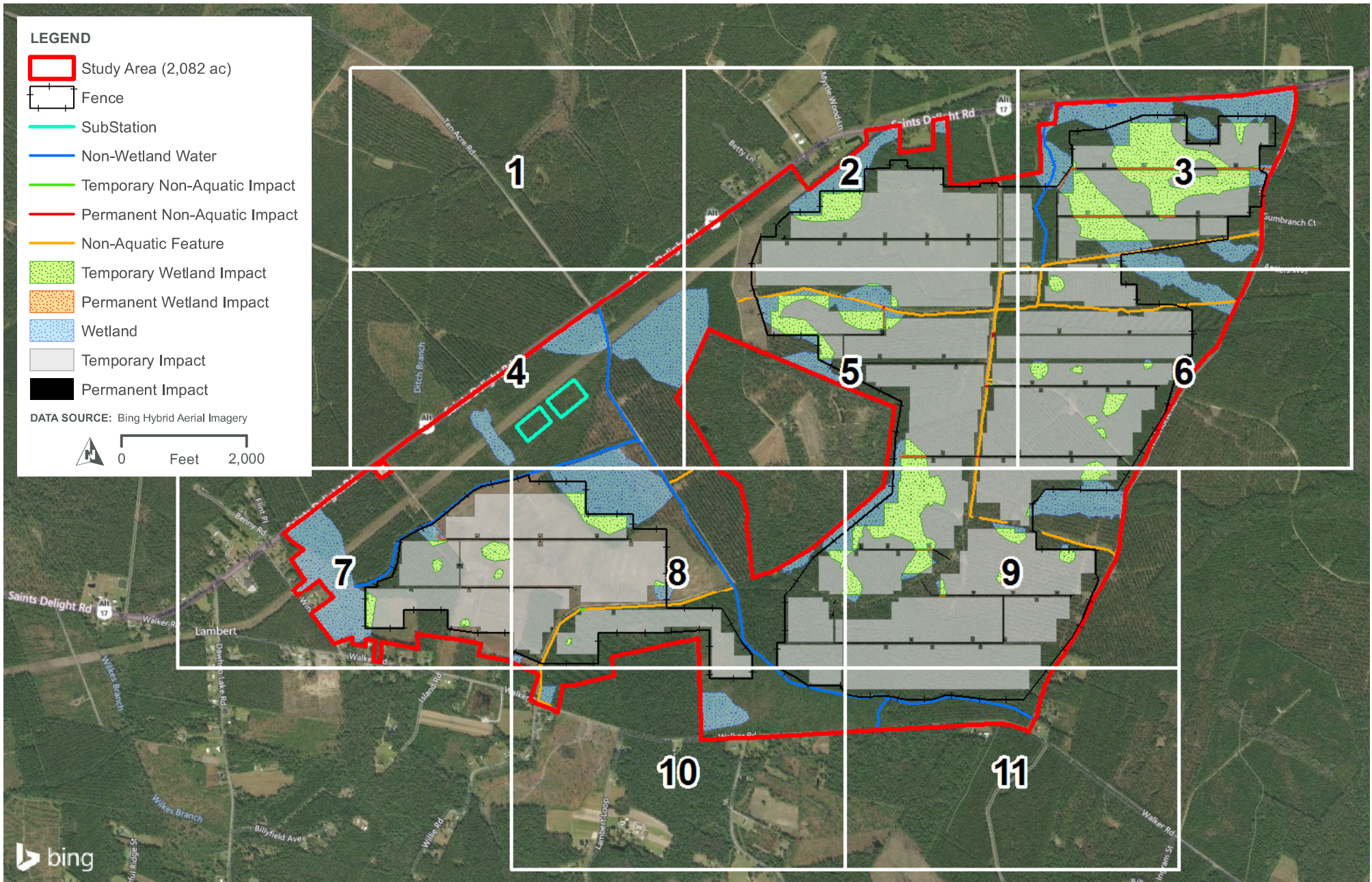
and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. **When providing comments, please reference the project number and provide written comments to the following address (emailing comments is the preferred method):**

SAC.RD.Conway@usace.army.mil

or mail to:

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
1949 Industrial Park Road, Room 140
Conway, South Carolina 29526**

If there are any questions concerning this public notice, please contact Wiley Bracey, Team Lead, at (843) 365-1707, or by email at **Wiley.C.Bracey@usace.army.mil**.

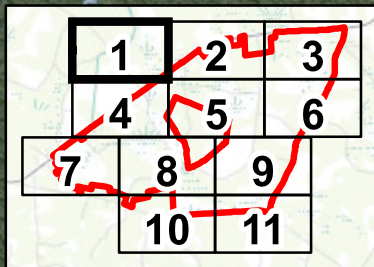


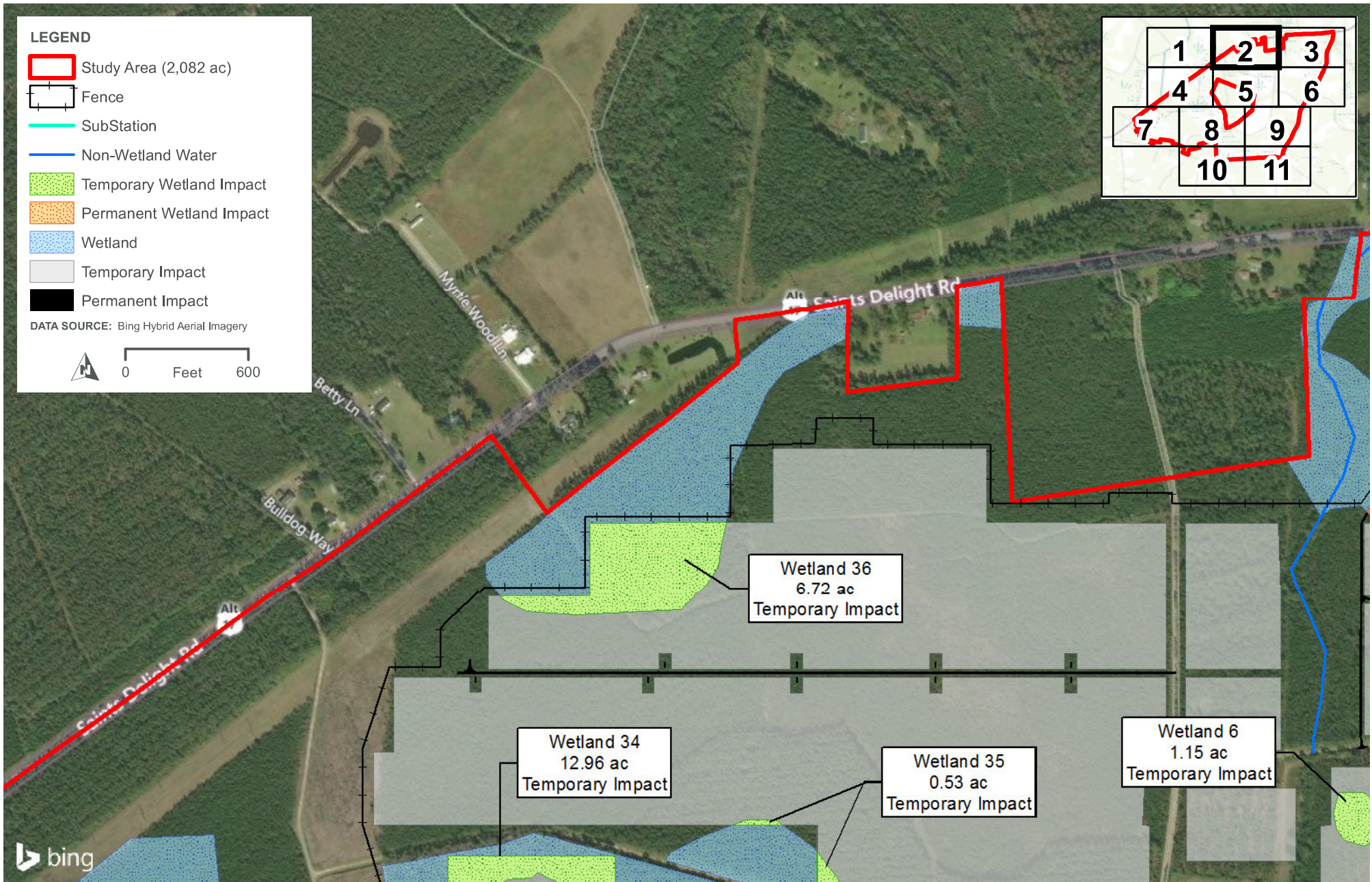


LEGEND

- Study Area (2,082 ac)
- Fence
- SubStation
- Non-Wetland Water
- Temporary Wetland Impact
- Permanent Wetland Impact
- Wetland
- Temporary Impact
- Permanent Impact

DATA SOURCE: Bing Hybrid Aerial Imagery





1	2	3
4	5	6
7	8	9
	10	11

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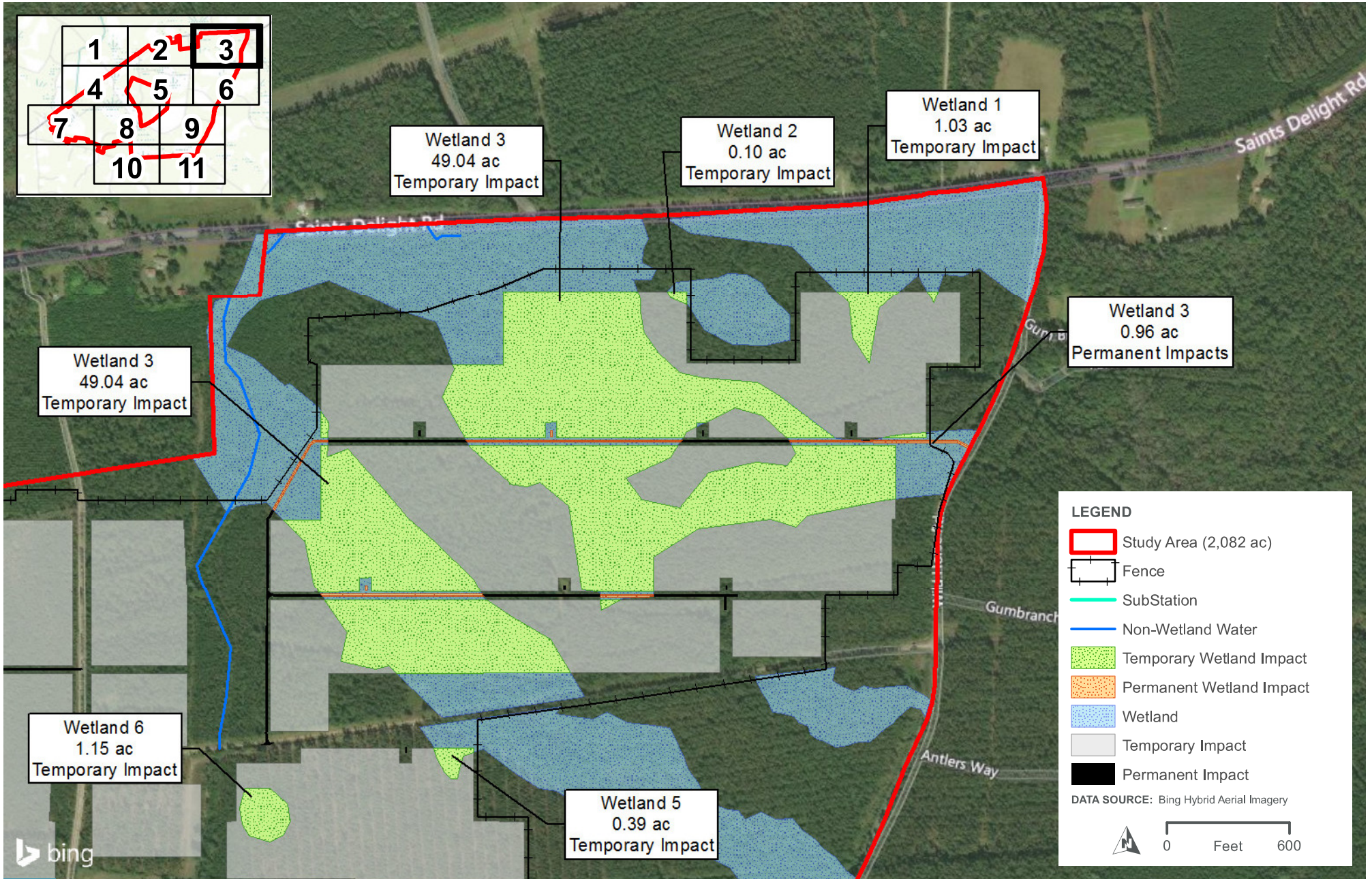
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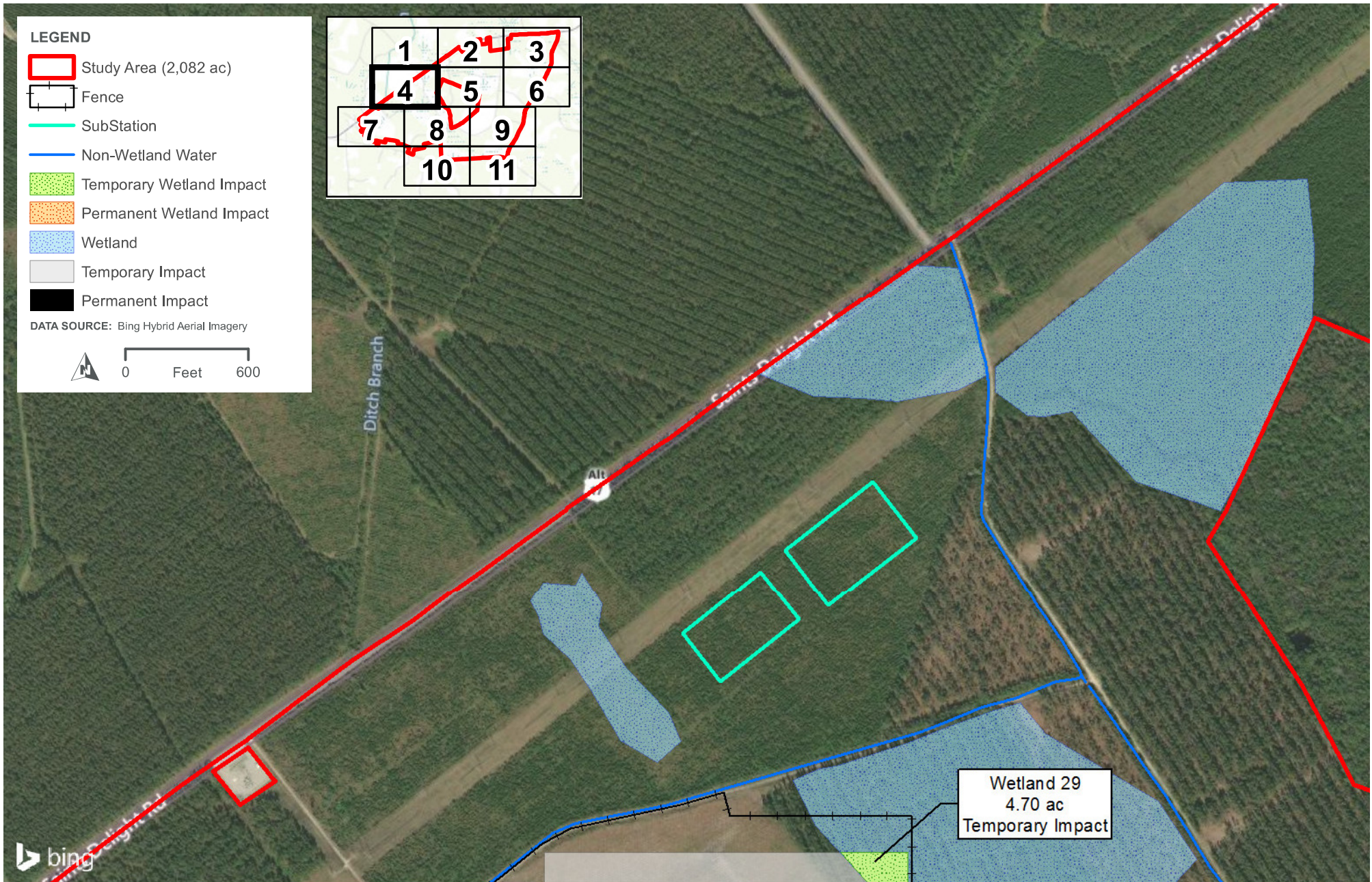
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SR LAMBERT
PROPOSED IMPACTS
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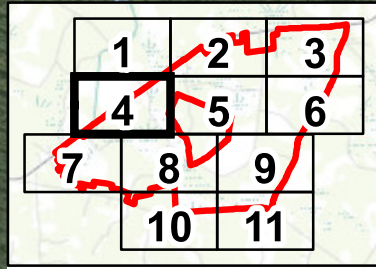




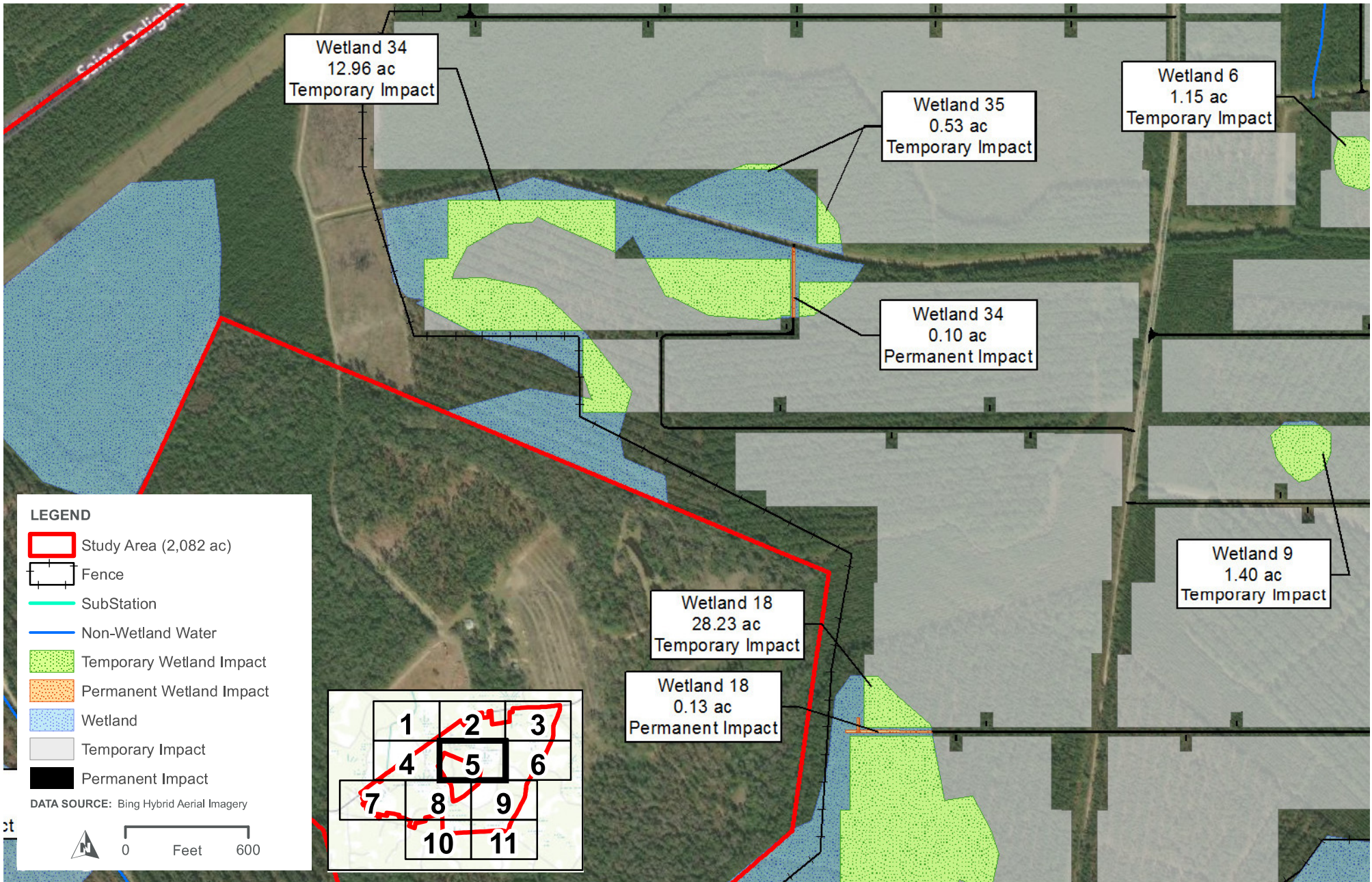
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Wetland 29
4.70 ac
Temporary Impact

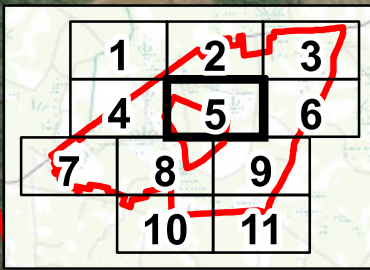


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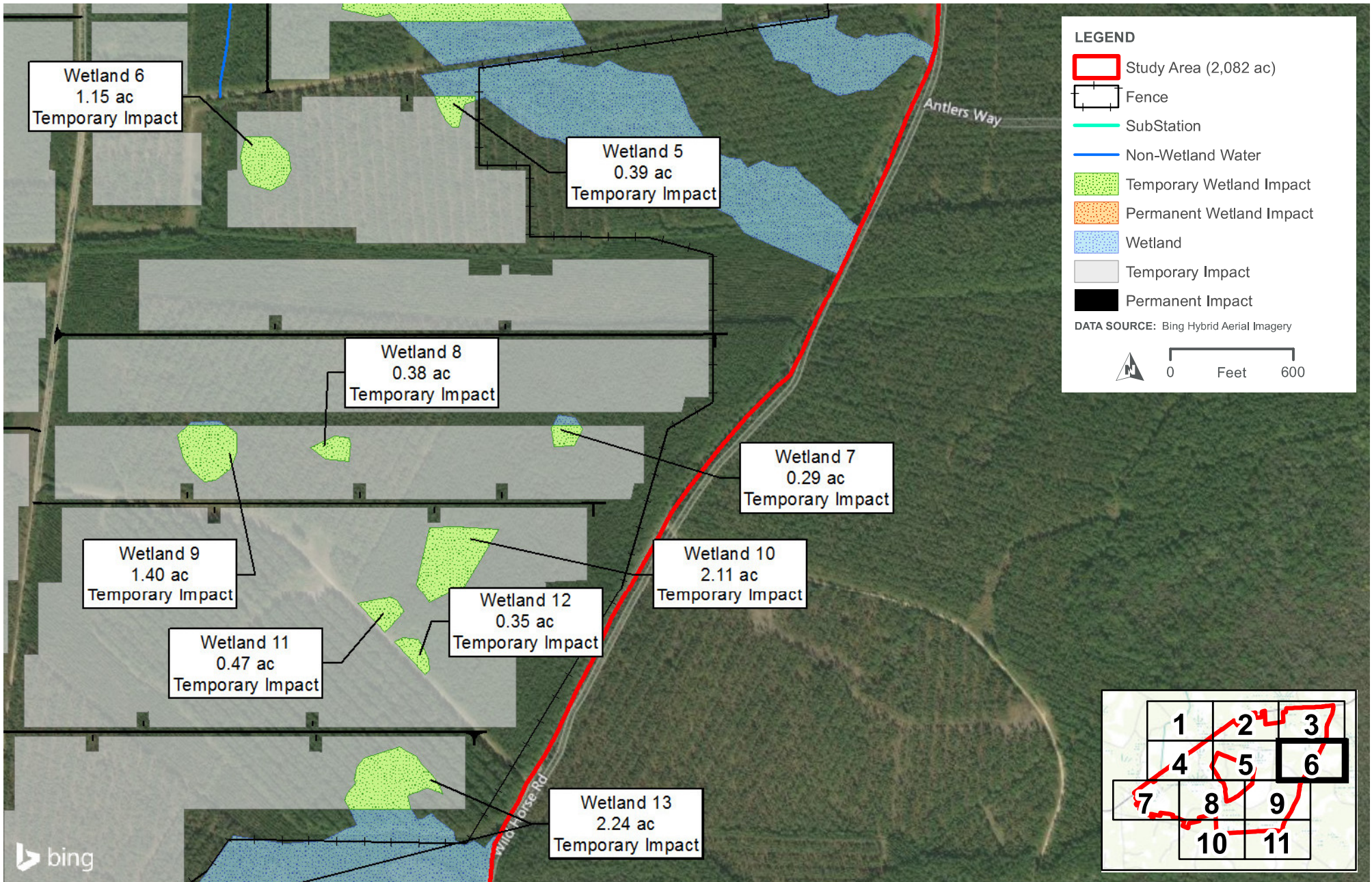
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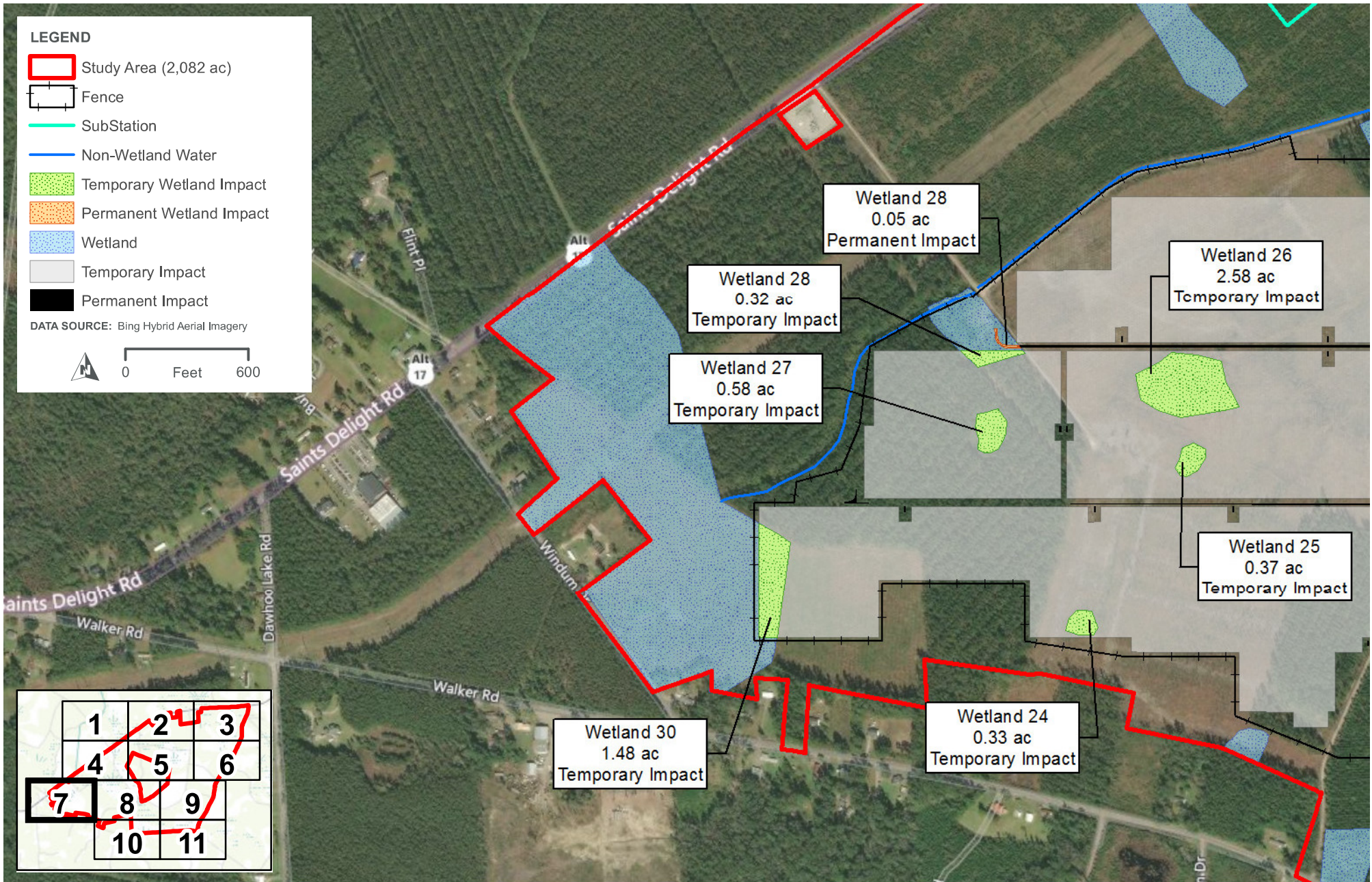


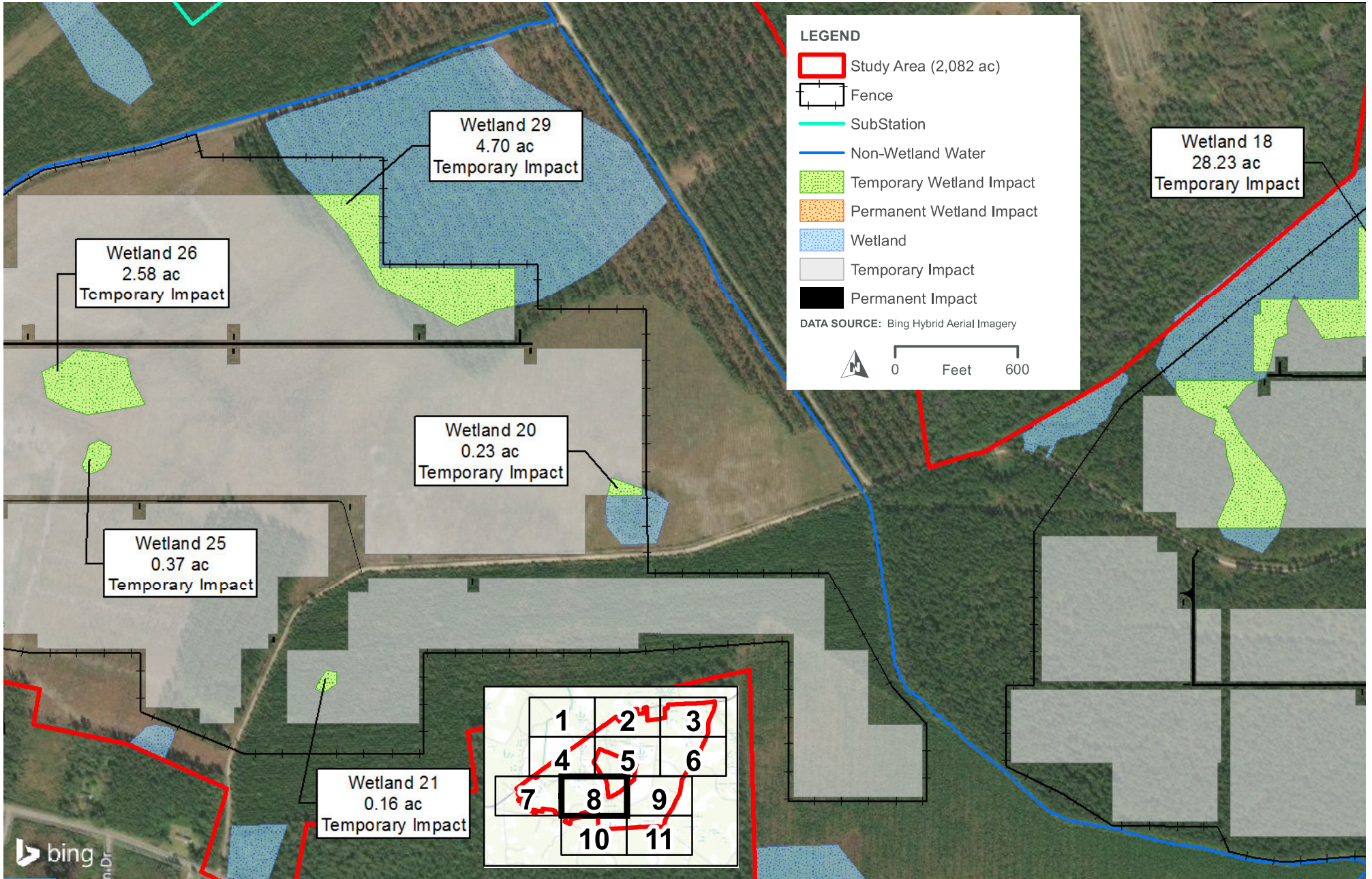
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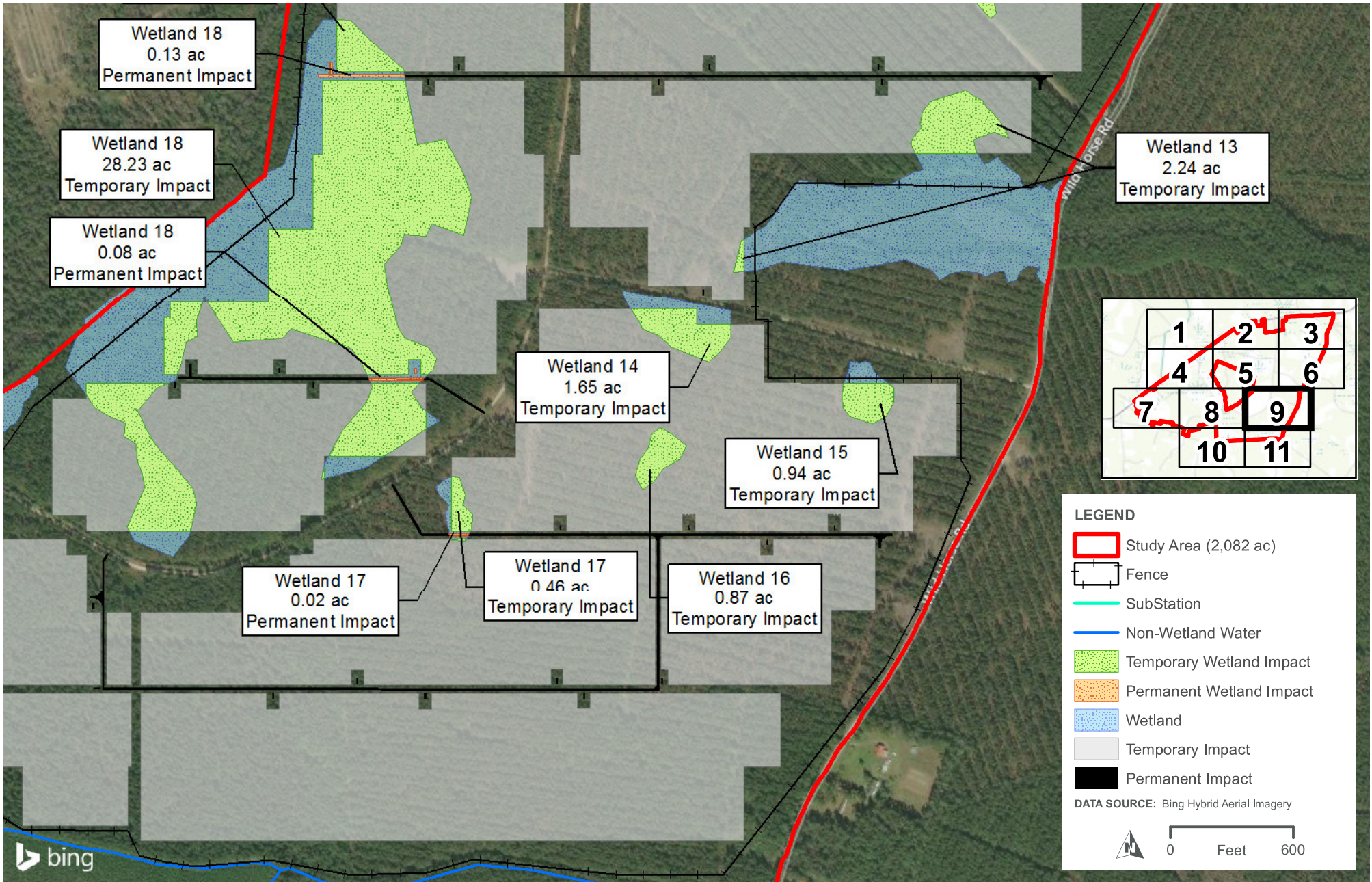
SR LAMBERT
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