

COMMONWEALTH OF KENTUCKY  
BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION  
AND TRANSMISSION SITING

In the Matter of:

*Electronic* Application of Caldwell Solar, LLC )  
for Certificate of Construction for an up to 200 )  
Megawatt Merchant Electric Solar Generating )  
Facility in Caldwell County, Kentucky )

Case No.  
2020-00244

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**Response to Siting Board Staff's Post-Hearing Request for Information**

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Applicant, Caldwell Solar, LLC, herewith submits responses to the Siting Board Staff's Post-Hearing Request for Information. A signed certification of this Response on behalf of Caldwell Solar, LLC appears on the following page.

Respectfully submitted,

/s/ Kathryn A. Eckert

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**Certification of Response to Information Requests**

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This is to certify that I have supervised the preparation of the response to the Siting Board Staff's Post-Hearing Request for Information to Caldwell Solar, LLC on behalf of the corporate respondent and that the responses are true and accurate to the best of my knowledge, information and belief after reasonable inquiry.

DATE: March 11, 2022

*Courtney Pelissero*  
\_\_\_\_\_  
Courtney Pelissero, Permitting Specialist

## **Request**

1. Provide the distance to the Crider Baptist Church on Crider Road from all portions of the proposed Project, including, but not limited to, distance to fencing, solar panels, or inverters. Explain what, if any, mitigation measures are proposed for the Church's viewshed impact, traffic impact, and noise impact during Church activities, including weekly, Sunday and special services.
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## **Response**

The Crider Baptist Church is located 800 feet from fencing, 822 feet from the nearest panel, and 1509 feet from the nearest inverter based on preliminary design. The church is located in the residential cluster off Crider Road. In Second Amended Exhibit I and 1 ESB 32 Amended Table A, the church was identified as Residence 22.

To mitigate visual impacts to the church, Caldwell Solar will plant vegetative screening across the southern border of the church property. During operation, frequent traffic along Crider Road is not anticipated and will be limited to the extent possible. Noise impacts to the church during operation are not anticipated due to the inverters and substation being setback over 1,000 feet based on preliminary design. During construction, traffic and noise near the church will be limited to the extent possible during Sunday and special service times.

Caldwell Solar conferred with the pastor of the Crider Baptist Church via telephone call on March 8, 2022 to discuss the Project and planned mitigation measures. Caldwell Solar explained that vegetative screening between the church and Project will be provided and that noise-producing construction hours will be limited to 7am to 7pm, Monday through Saturday, with Sundays as occasional makeup days. Caldwell Solar stated construction near the church on Sundays during service times will be limited to the extent possible. The pastor did not ask for additional mitigation measures nor express other concerns regarding Project

impacts. Caldwell Solar provided contact information to the pastor and invited him to call with any questions or concerns as these arise. Caldwell Solar will stay in communication with the church during construction and operation in order to respond to any concerns or questions.

**Request**

2. Provide the completed wetlands delineation study, as well as any jurisdictional determinations, permits or applications for permits that are required.
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**Response**

The wetland delineation study is attached to this response. Caldwell Solar submitted an application for a jurisdictional determination to the U.S. Army Corp of Engineers (“USACE”) on March 9, 2022. A copy of that submission email and the accompanying application materials are attached to this response, and the accompanying spreadsheet named *Caldwell\_ORM\_Upload\_Sheet\_Consolidated\_NWPR\_20210209.xlsm* has been provided with this filing. The preliminary site layout minimizes impacts to potentially jurisdictional wetlands and waters. Impacts are expected to fall under minimum thresholds required under Nationwide Permits from the USACE. If the design changes and impacts to regulated wetlands require USACE permitting, Caldwell Solar will apply for and obtain necessary permits from USACE prior to construction.

**From:** [Bruce Moreira](#)  
**To:** ["CELRL.Door.To.The.Corps@usace.army.mil"](mailto:CELRL.Door.To.The.Corps@usace.army.mil)  
**Cc:** [Courtney Pelissero](#)  
**Subject:** USACE AJD Request for Caldwell Solar Project (Caldwell County, KY)  
**Date:** Wednesday, March 9, 2022 3:07:00 PM  
**Attachments:** [image001.png](#)  
[Caldwell ORM Upload Sheet Consolidated NWPR 20210209.xlsm](#)  
[Caldwell PJD Form.pdf](#)  
[20211014\\_Caldwell\\_DelinReportSmall.pdf](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

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To whom it may concern,

Cadwell Solar, LLC is requesting an Approved Jurisdictional Determination for the Caldwell Solar Energy Facility, located northwest of the town of Princeton, Kentucky in Caldwell County (Figure 1 of Wetland Report). The project is a proposed utility scale solar energy facility covering approximately 3,000 acres. Proposed project infrastructure will consist of fence-line, photovoltaic (PV) panel arrays, below-ground or hybrid electrical collection lines, inverters, access roads, a substation, an operations and maintenance (O&M) building, weather stations, and laydown yards.

An copy of the October 2021 Regulated Water Delineation Report for the Project site can be downloaded from the site below and contains basic site information as is typically requested for preliminary jurisdictional determinations.

[USACE Jurisdictional Determination](#)

We have also included a smaller version of the report which includes the report text and overview figures if you need a more portable version.

We have included a Excel ORM Consolidated Table with the key features of each wetland/water delineated included in the Aquatic Resources Tab. Please let me know once the project has been assigned a Corps ID number and what staff will be involved in completing this JD request. If you have any questions or comments about the enclosed request, or require any further clarification, please contact me.

**Bruce Moreira**

ENVIRONMENTAL PROJECT SCIENTIST  
CARDNO



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- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:  
Map: \_\_\_\_\_.
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report. Rationale: \_\_\_\_\_.
- Data sheets prepared by the Corps: \_\_\_\_\_.
- Corps navigable waters' study: \_\_\_\_\_.
- U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: \_\_\_\_\_.
- Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_.
- National wetlands inventory map(s). Cite name: \_\_\_\_\_.
- State/local wetland inventory map(s): \_\_\_\_\_.
- FEMA/FIRM maps: \_\_\_\_\_.
- 100-year Floodplain Elevation is: \_\_\_\_\_.(National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): \_\_\_\_\_.  
or  Other (Name & Date): \_\_\_\_\_.
- Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- Other information (please specify): \_\_\_\_\_.

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

\_\_\_\_\_  
Signature and date of  
Regulatory staff member  
completing PJD

\_\_\_\_\_  
Signature and date of  
person requesting PJD  
(REQUIRED, unless obtaining  
the signature is impracticable)<sup>1</sup>

<sup>1</sup> Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

**Request**

3. Provide the Phase 1 environmental assessment. Include any information that Caldwell Solar has on the Projects effect on the bat habitat from disturbance of karst features.
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**Response**

The Phase I Environmental Assessment has been provided entirely under seal with a concurrently-filed Petition for Confidential Treatment.

Caldwell Solar plans to avoid clearing large areas of intact forest which provide potential roosting habitat for protected bat species. Caldwell Solar also plans to avoid disturbance of karst features which could provide potential bat hibernacula. As a result, all potential impacts to bat habitat are anticipated to be avoided. Caldwell Solar will continue to coordinate with U.S. Fish and Wildlife Service and Kentucky Department of Fish and Wildlife Resources regarding bat habitat within the project site and any needed mitigation measures.