

Permitting Table – Pike County Solar Project, Pike County, Kentucky

Permit / Activity / Consultation	Agency	Regulatory Trigger	Permit Required
FEDERAL			
Clean Water Act Section 404 Permit and Jurisdictional Determination	United States Army Corps of Engineers (USACE), Huntington District	Impacts to jurisdictional wetlands and waters of the United States.	It may be required once the on-site survey is complete.
Endangered Species Act (ESA), Section 10 Consultation (Incidental Take Permit)	USFWS	Believe that project will result in incidental take of a federal threatened or endangered species.	It may be required once the on-site survey is complete.
Migratory Bird Treaty Act (MBTA) Compliance	USFWS	The act prohibits the take and harvest of migratory birds and nests.	It may be required once the on-site survey is complete.
Bald and Golden Eagle Protection Act (BGEPA) Compliance	USFWS	The act protects eagles, including their parts, nests, and eggs by prohibiting their take, possession, or commerce.	It may be required once the on-site survey is complete.
National Historic Preservation Act (NHPA) Section 106	Kentucky Heritage Council (State Historic Preservation Office (SHPO))	A federal nexus (e.g., Section 404 permit) would trigger Section 106 compliance and requires consultation for those permit areas. The USACE has an obligation to consider impacts to cultural resources and would complete the formal federal consultation.	It may be required once the on-site survey is complete.
Phase I Cultural Resources and Archeological Survey (PHI CRAS) for compliance with Section 106 of the National Historic Preservation Act (35 C.F.R. Part 800)	Kentucky Heritage Council (KHC/SHPO)	For Section 106 compliance if federal or state nexus occurs, potential impact to culturally significant resources related to cultural history and Indian religious sites. Assessment of structures and archaeological resources.	It may be required once the on-site survey is complete.
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (ASTM Phase I Environmental Site Assessment) (ESA)	Environmental Protection Agency (EPA) / ASTM International (ASTM)	Phase I ESA is recommended to identify contaminated properties and recognized environmental conditions for development financing. No official permit needed.	Required
Federal Aviation Administration (FAA) Obstruction Evaluation / Airport Airspace Analysis (OE/AAA)	FAA, Air Traffic Office of Obstruction Evaluation Services	Required if construction occurs within proximity to airport, air traffic routes, or military training routes.	Required
Form FAA 7460-1 Notice of Proposed Construction	Federal Aviation Administration (FAA)	<p>A project must file with the FAA at least 45 days prior to construction if:</p> <ul style="list-style-type: none"> • a structure will exceed 200 feet above ground level, • a structure will be in proximity to an airport and will exceed the slope ratio, • a structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b), • a structure will emit frequencies, and does not meet the conditions of the FAA Co-location Policy, • a structure will be in an instrument approach area 	Not Likely to be required

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		<p>and might exceed part 77 Subpart C,</p> <ul style="list-style-type: none"> • a proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception, • a structure will be on an airport or heliport, or • a filing has been requested by the FAA. 	
<p>Spill Prevention, Control and Countermeasure (SPCC) Plan</p> <p>40 C.F.R. Part 112</p>	U.S. Environmental Protection Agency (EPA), Region 4	Required if facility exceeds threshold (1,320 gallons of oil and related products) of oil or related product storage.	May be required
COMMONWEALTH OF KENTUCKY			
Construction Certificate	Kentucky Public Service Commission (KYPSC)	Per KRS 278.704, "No person shall commence to construct a merchant electric generating facility until that person has applied for and obtained a construction certificate for the facility."	Required
Site Assessment Report	KYPSC	Per KRS 278.708, "Any person proposing to construct a merchant electric generating facility shall file a site assessment report with the board."	Required
Clean Water Act Section 401 Water Quality Certification	KY DOW	Required when a Section 404 Individual Permit is needed. If stream and/or wetland impacts meet the threshold for a Section 404 Nationwide Permit (NWP), the applicant automatically obtains a Section 401 Water Quality Certification (i.e., separate coordination and submittal for a Section 401 Water Quality Certification (WQC) would not be required).	It may be required once the on-site survey is complete.
Encroachment Permit	Kentucky Transportation Commission	An encroachment permit would be required if the site plans to utilize an access road from a road within the state highway system.	May be required
Stormwater General Permit KYR 10 - KPDES	KY DOW	A general construction permit would be required for land disturbing activities impacting one acre or greater in association with the construction of the Project.	Required