

Exhibit V
Critical Issues Analysis
Ecology & Environment, Inc.

November 29, 2017



ecology and environment, inc.

Global Environmental Specialists

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November 29, 2017

Ms. Emily Truebner
Marion County Solar Project, LLC
Southlake Technology Park
16105 West 113th St, Suite 105
Lenexa, Kansas 66219-2305

Re: Critical Issues Analysis for the Marion County Solar Project, Marion County, Ohio

Dear Ms. Truebner:

Ecology and Environment, Inc. (E & E) is pleased to provide this letter report to Marion County Solar Project, LLC (Marion Solar) summarizing the results of our critical issues analysis (CIA) for the proposed Marion County Solar Project, located in Marion County, Ohio (Project).

INTRODUCTION AND GENERAL SITE DESCRIPTION

As requested by Marion Solar, E & E conducted a CIA for the Project in central Ohio. Marion Solar proposes to develop a 100 megawatt (MW) solar energy project on private land encompassing approximately 970 acres (see Figure 1).

E & E conducted the desktop CIA review by assessing geographic information system (GIS) datasets and information obtained from publicly available websites. E & E also obtained site-specific information via anonymous telephone communications with local planning departments. E & E's review consisted of a desktop study to determine if there were any obvious development constraints that could potentially impact the Project.

Land cover for the Project area is depicted in Figure 2. Cultivated crops dominate the Project area, encompassing approximately 92% (890 acres) of the total land cover. Developed lands (low intensity, medium intensity and open space) which totals 7% (71 acres), deciduous forests which totals 1% (9 acres), and herbaceous lands 0.1% (0.8 acres) comprise the remainder of the Project area.

KEY FINDINGS

A color-coded screening matrix summarizing our findings of the desktop study is provided in Table 1. A more detailed discussion of the findings is found within each resource section in the Environmental Review.

Table 1 Initial Screening Matrix for the Marion County Solar Project, Marion County, Ohio

Resource	Finding
Threatened and Endangered Species and Critical Habitats	The geographic range of three federally listed threatened or endangered species (T/E), and 19 state-listed T/E species overlap with the Project area. Three of the federally listed species, and 10 of the state-listed species (three of which are also federally listed) have the potential to occur in the Project area based on suitable habitat availability.
Parks and Natural Areas	There are no designated natural areas or parks found within the Project boundary. However, there are 13 natural areas/parks within a 5-mile radius of the Project boundary.
Cultural Resources	There are no National Park Service's National Register of Historic Places (NRHP)-listed properties or cemeteries located within the Project boundary. However, there are 12 NRHP-listed properties within a 5-mile radius of the Project boundary.
Floodplains	There are 190 acres of 100-year floodplains located within the Project boundary, primarily associated with the Little Scioto River. The remaining 780 acres in the Project are outside the 100-year and 500-year floodplain.
Wetlands and Streams	There are approximately 6 acres of mapped USFWS National Wetland Inventory (NWI) wetlands within the Project area, including 5 acres of freshwater emergent wetland and 1 acre of freshwater forested/shrub wetland. The National Hydrography Dataset (NHD) shows there is approximately 20,542 feet (2.1 miles) of streams within the Project area, including 1.4 miles of intermittent streams, 0.3 miles of perennial streams, and 0.4 miles of artificial path.

Table 1 Initial Screening Matrix for the Marion County Solar Project, Marion County, Ohio

Resource	Finding
Steep Slopes and Highly Erodible Soils (Slopes > 10%)	The Project area is devoid of steep slopes. The majority of soils in the Project area are classified as prime farmland or prime farmland if drained. A large number of the soil types in the Project area are considered hydric (43%, 419 acres).
Geologic or Seismic Hazards	There have been no recorded earthquakes in the last 30 years within at least 50 miles of the Project area. The Project is located in a low hazard area with a low probability of a ground-shaking event over a period of 50 years.
Other Notable Encumbrances (Utilities and Buildings)	There are currently no residential properties, within the Project area. There are 14 residential properties and two commercial properties bordering the Project boundary.
Known Toxic and Hazardous Waste	There are no Environmental Protection Agency (EPA) Superfund sites, EPA-regulated facilities, or state-monitored sites located within the Project area.
Airports	There is one airport within 10 miles of the center of the Project, however it is more than 3 miles away.
Zoning and Permitting Information	The Ohio Power Siting Board (OPSB) requires a Certificate of Environmental Compatibility for solar facilities 50 MW or larger. There are no solar-specific zoning regulations in Marion County or Marion Township that would impede Project development.

Key:

No Constraint

Potential Constraint

Significant Constraint

ENVIRONMENTAL REVIEW

Threatened or Endangered Species and Critical Habitats

The USFWS Information for Planning and Construction (IPaC) screening tool was used to evaluate federal T/E species within the Project area (USFWS 2017a). Two federally listed endangered species and one federally listed threatened species were identified during the IPaC review as being potentially present in the Project area (see Table 2). There is no designated critical habitat that occurs within the Project area.

The Ohio Department of Natural Resources (ODNR) reports 13 state-listed T/E plant species and six state-listed T/E animal species that occur in Marion County (see Table 2; ODNR 2017). The ODNR does not have a state-maintained screening tool for specific project sites, therefore, the list of potential state-listed T/E species within the Project area was generated based on the list for Marion County. Based on species habitat requirements and the habitat in the Project area, Table 2 includes a determination on the likelihood that the species will be present in the Project area. State-listed T/E species that are also federally listed but were not identified during the IPaC review, were omitted from Table 2.

Implications: Land cover within the Project area largely consists of agricultural land (92%; 890 acres), which is incompatible with most of the habitat requirements for the identified T/E species and therefore while present, the amount and quality of suitable habitat is limited in the Project area.

One T/E bird species has the potential to occur within the Project area, which is the state-listed endangered (SE) Northern Harrier (*Circus cyaneus*). The Northern Harriers can be found in wide-open habitats, including agricultural fields, pasture, marshes, and hayfields.

The three federally listed T/E, Indiana Bat (*Myotis sodalis*; federally endangered (FE) and SE), Northern Long-eared Bat (*Myotis septentrionalis*; federally threatened [FT] and state-listed threatened [ST]), and the Rayed Bean (*Villosa fabalis*; FE and SE) have the potential to occur within the Project area. The federally and state-listed T/E bat species utilize upland forest, wetlands, and riparian corridors to roost and forage during the summer. The Rayed Bean prefers smaller sized streams with sand or gravel substrate. The Pondhorn (*Uniomus tetralasmus*; ST) mussel could also be present within ponds, smaller streams, and ditches in mud or sand within the Project area.

The plant species that have the potential to occur within the Project area are Wheat Sedge (*Carex atherodes*; ST), Midland Sedge (*Carex mesochorea*; ST), Flat-stemmed Spike-rush (*Eleocharis compressa*; ST), Greene's Rush (*Juncus greenii*; ST) and Prairie Ironweed (*Vernonia fasciculata*; ST). These plant species occupy a variety of habitats present within the Project area including agricultural fields and meadows, stream banks, wetlands, and roadside ditches.

Of the remaining one state-listed insect species and eight state-listed T/E plant species, none are expected to occur within the Project area due to the lack of suitable habitat.

Coordination with USFWS and ODNR is recommended to determine with greater certainty whether appropriate habitat exists within the Project area for any of the federal and state-listed species with the potential to be present. Depending on the feedback and recommendations received during agency consultation, site-specific biological surveys may be necessary to determine presence or probable absence of the species and the potential impacts to the species from Project development.

Table 2 List of Potential Threatened and Endangered Species Within or Near the Marion County Solar Project, Marion County, Ohio

Common Name	Scientific Name	Status	Habitat	Presence Determination
Birds				
Northern Harrier	<i>Circus cyaneus</i>	SE	Marshes, cultivated fields, croplands, hayfields and pastures	Potential suitable habitat present.
Mollusks				
Rayed Bean	<i>Villosa fabalis</i>	FE, SE	Sand, gravel, or cobble substrates in swift small and medium-sized rivers	Potential suitable habitat present.
Pondhorn	<i>Uniomereus tetralasmus</i>	ST	Quiet to slow moving shallow waters in ditches and small streams with mud or sand substrate.	Potential suitable habitat present.
Mammals				
Indiana Bat	<i>Myotis sodalis</i>	FE, SE	Forests, riparian corridors, wetlands for summer roosting and foraging.	Potential suitable habitat present.
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	FT, ST	Forests, riparian corridors, wetlands for summer roosting and foraging.	Potential suitable habitat present.
Insects				
Regal Fritillary	<i>Speyeria idalia</i>	SE	Prairie or open environments frequently in sandy regions. Meadows, old fields, and floodplain forest openings and edges. Various species of violets are used as larval hosts.	Potential suitable habitat not present.
Plants				
Prairie False Indigo	<i>Baptisia lactea</i>	ST	Prairies, savannas, open woods	Potential suitable habitat not present.
Wheat Sedge	<i>Carex atherodes</i>	ST	Open wetlands, ditches, swales, shores and riverbanks	Potential suitable habitat present.
Midland Sedge	<i>Carex mesochorea</i>	ST	Dry grasslands, fields, meadows, roadsides and disturbed habitats.	Potential suitable habitat present.
Leiberg's Panic Grass	<i>Dichanthelium leibergii</i>	ST	Dry and wet-mesic prairies, savannas, and openings in oak forest	Potential suitable habitat not present.

Table 2 List of Potential Threatened and Endangered Species Within or Near the Marion County Solar Project, Marion County, Ohio

Common Name	Scientific Name	Status	Habitat	Presence Determination
Flat-stemmed Spike-rush	<i>Eleocharis compressa</i>	ST	Borders of ponds, streams, and roadside ditches. Usually occurs in high quality wetlands.	Potential suitable habitat present.
Bearded Wheat Grass	<i>Elymus trachycaulus</i>	ST	Moist habitats including areas with high salinity	Potential suitable habitat not present.
Greene's Rush	<i>Juncus greenii</i>	ST	Cliffs, ledges, grasslands, and fields	Potential suitable habitat present.
Large Blazing-star	<i>Liatris scariosa</i>	ST	Savannahs, prairies, woodland edges, or forest openings	Potential suitable habitat not present.
Philadelphia Panic Grass	<i>Panicum philadelphicum</i>	ST	Wide range of habitats including dry open woods, rocky sandy areas, and moist soil on the shores of lakes and streams	Potential suitable habitat not present.
Prairie Rattlesnake-root	<i>Prenanthes racemosa</i>	ST	Fens, wet prairies and meadows	Potential suitable habitat not present.
Royal Catchfly	<i>Silene regia</i>	ST	Sunny, well drained prairies	Potential suitable habitat not present.
Prairie Wedge Grass	<i>Sphenopholis obtusata</i> var. <i>obtusata</i>	ST	Mesic prairies, thinly wooded bluffs, open rocky woodlands, and pastures	Potential suitable habitat not present.
Prairie Ironweed	<i>Vernonia fasciculata</i>	ST	Open wet situations including marshes and roadside ditches	Potential suitable habitat present.

Key:

FE – Federally-listed Endangered

FT – Federally-listed Threatened

SE – State-listed Endangered

ST – State-listed Threatened

Sources: ODNR 2017, USFWS 2017a.

Parks and Natural Areas

There are no designated natural areas or parks found within the Project boundary. However, there are 13 natural areas/parks within a 5-mile radius of the Project boundary, including seven local parks south of the Project boundary in the city of Marion, four ODNR water access points and a dam along the Little Scioto River, and several easements associated with the ODNR-owned Big Island Wildlife Area (see Figure 3).

Implications: As there are no natural areas or parks within the Project boundary, it is not expected that there will be a reduction or restriction of public use of natural areas or parks from development of the Project. No significant Project development implications are expected that would be associated with parks or natural areas.

Cultural Resources

There are no National Park Service's National Register of Historic Places (NRHP)-listed properties or cemeteries located within the Project boundary (see Figure 3; NRHP 2017). However, there are 12 NRHP-listed historic properties within a 5-mile radius of the Project boundary. Ten of the 12 NRHP-listed properties, including two residences, one courthouse, one hotel, one commercial building, one post office, one theater, one chapel, one cemetery receiving vault, and one tomb, are all located in the city of Marion which is approximately 2 miles south of the Project. The NRHP-listed Marion Township Sub-District #8 School is located approximately one mile northeast of the Project, while the NRHP-listed Bretz Farm is located approximately 2.5 miles north of the Project. The NRHP database excludes all features deemed 'restricted' or 'sensitive' by the National Park Service, including archaeological sites. So, it is unknown from publicly available data whether those features exist within the Project area.

Implications: No significant project development implications are expected that would be associated with historic, cultural, or archaeological designated sites.

Floodplains

The Federal Emergency Management Agency (FEMA) National Flood Hazard Layer for Marion County was reviewed to determine the likelihood of flooding within the Project area. Based on these data, approximately 190 acres of the Project area are identified as 100-year floodplains. The majority of the 100-year floodplain designated area is associated with the Little Scioto River, located in the northwestern portion of the Project area. The remainder of the identified 100-year floodplain is located along the west-central edge of the Project area. Areas denoted as 100-year floodplain have an annual 1% risk of flooding. The remaining

780 acres of the Project are outside the 100-year and 500-year floodplain and are considered an area with minimal flood risk (see Figure 4; FEMA 2010).

Implications: A portion of the Project area falls within the 100-year floodplain. A Flood Hazard Area Development Permit is required by Marion County for development in an identified floodplain area. If the site design cannot avoid this area, coordination with the Marion County Floodplain Administrator is recommended to gain further clarity on building and permitting requirements in floodplains.

Wetlands and Streams

There are approximately 6 acres of mapped USFWS National Wetland Inventory (NWI) wetlands within the Project area, including 5 acres of freshwater emergent wetland and 1 acre of freshwater forested/shrub wetland. The National Hydrography Dataset (NHD) shows there is approximately 1.4 miles of intermittent streams, 0.3 miles of perennial streams, and 0.4 miles of artificial paths within the Project area (see Figure 4; USFWS 2017b; USGS 2017a).

Implications: Wetlands and waterbodies within the Project area that were identified during the desktop assessment may require an Ohio Environmental Protection Agency (OEPA) and/or USACE permit if Project infrastructure is anticipated to impact any of these features. Formal wetland delineations should be conducted prior to construction for confirmation of the wetland and waterbody boundaries and their jurisdictional status. Assuming the Project can be sited to avoid wetland and stream impacts so that the Project qualifies for a Nationwide Section 404 Permit, then the Project is not likely to be significantly affected. If the wetland impacts are expected to exceed 0.5 acres or 300 linear feet (streams), not exceeding more than 0.5 acres cumulatively, then an Individual Section 404 Permit could be necessary and could delay Project development.

Steep Slopes and Highly Erodible Soils (Slopes >10%)

The Project area is composed of 20 different soil types with Medway clay loam, rarely flooded accounting for the largest portion of the Project area (38%, 363 acres; see Figure 6). There are no soils with steep slopes, as identified by those greater than 10% slope, nor those identified as highly erodible within the Project area. All but 7 acres of the Project area consist of soil types that are classified as prime farmland or prime farmland if drained. Additionally, 10 out of 20 soil types within the Project area are considered hydric soils (43% of the Project area; 419 acres; USDA-NRCS 2016). Hydric soils generally form under saturated conditions, indicating the possible presence of a wetland. Table 3 includes a list of all mapped soils in the Project area, the acreage, and whether they are listed as important farmland and/or hydric.

Implications: The Project area is devoid of steep slopes. However, given the extent of the

Project area that has soils designated as prime farmland soils, further evaluation during Project design should be considered.

Table 3 Soil Types Within the Project Area

Soil Name	Acres within the Project Boundary	Prime Farmland or Farmland of Local Importance	Highly Erodible	Hydric
Aquents, clayey-Urban land complex, 0-3 percent slopes	2			X
Blount silt loam, end moraine, 2 to 4 percent slopes	3	X (if drained)		X
Blount silt loam, ground moraine, 0 to 2 percent slopes	143	X (if drained)		X
Blount silt loam, ground moraine, 2 to 4 percent slopes	2	X		X
Fox loam, till plain, 0 to 2 percent slopes	8	X		
Fox loam, till plain, 2 to 6 percent slopes	8	X		
Glynwood clay loam, end moraine, 2 to 6 percent slopes, eroded	5	X		X
Glynwood silt loam, ground moraine, 2 to 6 percent slopes	67	X		X
Kendallville loam, 2 to 6 percent slopes	3	X		
Martinsville loam, 0 to 2 percent slopes	14	X		
Martinsville loam, 2 to 6 percent slopes	58	X		
Medway clay loam, rarely flooded	363	X		
Milford silty clay loam	28	X (if drained)		X
Milton silt loam, 1 to 4 percent slopes	5	X		
Ockley loam, 2 to 6 percent slopes	10	X		
Pewamo silty clay loam, 0 to 1 percent slopes	84	X (if drained)		X
Saranac silty clay loam, occasionally flooded	85	X (if drained)		X
Sleeth loam, 0 to 3 percent slopes	47	X (if drained)		
Sloan silty clay loam, occasionally flooded	1	X (if drained)		X
Whitaker loam, 0 to 3 percent slopes	31	X (if drained)		

Source: USDA-NRCS 2016

Note: Soil type acreage within the Project area (965 acres) does not equal the total acreage for the Project area (970 acres) due the presence of five acres of water soil type.

Geological or Seismic Hazards

The U.S. Geological Survey (USGS) Earthquake Catalog was queried to examine recorded earthquakes and seismic hazards in the Project area. There have been no recorded earthquakes in the past 30 years within at least 50 miles of the Project area. Geologic and seismic hazards in the area are relatively low (USGS 2017b).

Implications: No significant Project development implications are expected that would be associated with earthquakes or seismic activity.

Other Notable Encumbrances (Utilities and Buildings)

There are currently no buildings located within the Project area. However, there are 14 residential properties, two commercial properties, and one industrial biofuel plant bordering the Project area. Siting of Project infrastructure should be planned such that appropriate setbacks from homes, businesses, and roads are achieved.

Implications: No significant Project development implications from nearby homes or businesses are expected. Business owners and homeowners with views of the Project that are found nearby or within the Project should be engaged prior to the siting process.

Known Toxic or Hazardous Waste

The U.S. Environmental Protection Agency (EPA) National Priority List Superfund Sites database was searched to determine the presence of known toxic or hazardous wastes within the Project area. There are no EPA Superfund sites or EPA-regulated facilities located within the Project area (EPA 2017). E & E also conducted a search through the Ohio Division of Environmental Response and Revitalization Database (DERR). The query showed that there are 25 sites in Marion County, but there are no sites located within the Project boundary or within a mile of the Project boundary (ODERR 2017). Sites maintained in the database are those which are either undergoing active cleanup or remediation, or are receiving technical or monetary assistance for future activities. It should be noted that not all sites in the DERR are contaminated.

Implications: No significant Project development implications are expected that would be associated with toxic or hazardous waste contamination. However, a full analysis of possible contamination, including a Phase I environmental site assessment, may be required for full disclosure of all potential contamination issues.

Airports

There is one airport within 10 miles of the center of the Project area, Marion Municipal Airport located approximately 3.4 miles east of the Project area.

Implications: No significant implications are expected from the construction or operation of the Project regarding impacts to airports. Photovoltaic panels are designed to absorb light rather than reflect it, so light and glare from the panels are unlikely to affect pilots or navigational aids.

Zoning and Permitting Information

The OPSB requires that construction of any energy producing facility 50 megawatts or greater must obtain a Certificate of Environmental Compatibility and Need pursuant to the Ohio Revised Code (ORC) Chapter 4906-4 (LAW Writer Ohio Laws and Rules n.d.). The certificate application requires a detailed project description, project schedule, alternative site locations, technical data, financial data, environmental data, and social/ecological data. The process also involves public informational meetings and public hearings. If the project requires a transmission line over 125 kilovolts, the transmission line will also need to be permitted by the OPSB permitting pursuant to ORC Chapter 4906-5. The facility and transmission line applications can run concurrently and meetings and hearings can jointly satisfy the requirements. The OPSB application process can take from 6 to 12 months, not including the time required to conduct field surveys and prepare the application.

E & E contacted the Marion County Regional Planning Department on October 13, 2017 to inquire about local zoning and permitting requirements for solar energy development. Ms. Evelyn Warr-Cummings, informed E & E that zoning designations and ordinances are township-specific in Marion County, in addition to all construction and building permits (see Attachment B). Additionally, E & E spoke with the Marion County Sanitary Engineer, Roger Dietrich, on October 20, 2017 and he informed E & E that a Flood Hazard Development Permit would need to be obtained prior to any development in an identified floodplain area. Mr. Dietrich also serves as the floodplain administrator for Marion County.

E & E reached out to Marion Township Zoning Inspector Charlie Fosnaugh on October 11, 2017 to inquire about township-specific zoning requirements. Mr. Fosnaugh informed E & E that there are currently no solar-specific provisions in place for Marion Township. Marion Township does not have any building permit requirements, but a zoning permit would be needed prior to construction. Approval from the Board of Zoning Appeals would be needed for any variance request.

The permit matrix in Attachment B contains a list of all probable permits, approvals, and consultations required for the Project at the federal, state, and local levels.

Implications: A Certificate of Environmental Compatibility and Need from the OPSB will be needed prior to development of the Project. However, there are no solar-specific zoning regulations in Marion County or Marion Township that would impede Project development.

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If you have any questions about the contents of the CIA, please contact me at (312) 578-9243 or kbaker@ene.com.

Sincerely,
ECOLOGY AND ENVIRONMENT, INC.

A handwritten signature in black ink that reads "Katie Baker". The script is cursive and fluid.

Katie Baker
Project Manager

Attachment:
A – Figures
B – Environmental Permit Matrix

REFERENCES

- Federal Emergency Management Agency (FEMA). 2010. National Flood Hazard Layer (NFHL) digital database. Accessed online October 2017 at:
<https://www.fema.gov/national-flood-hazard-layer-nfhl>.
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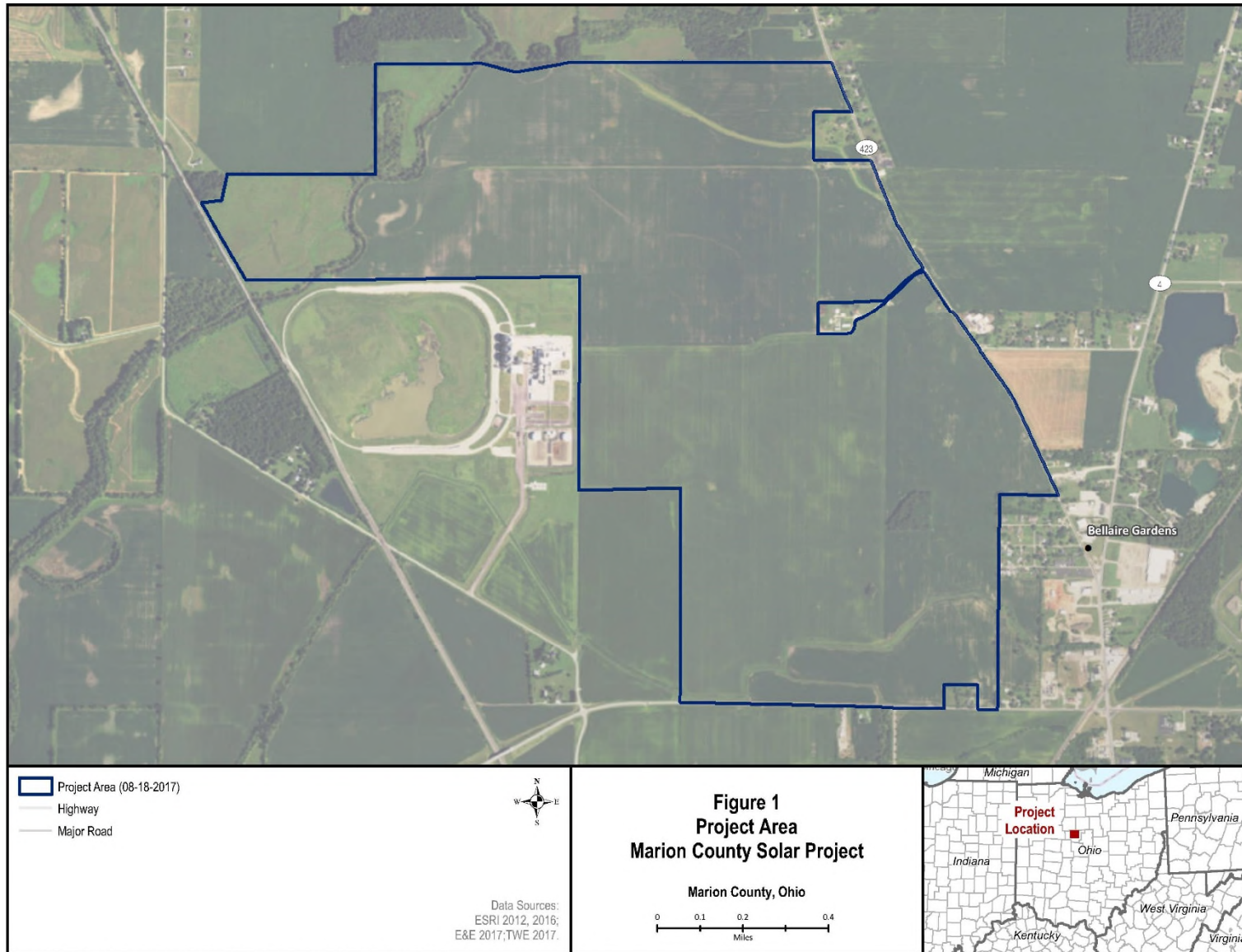
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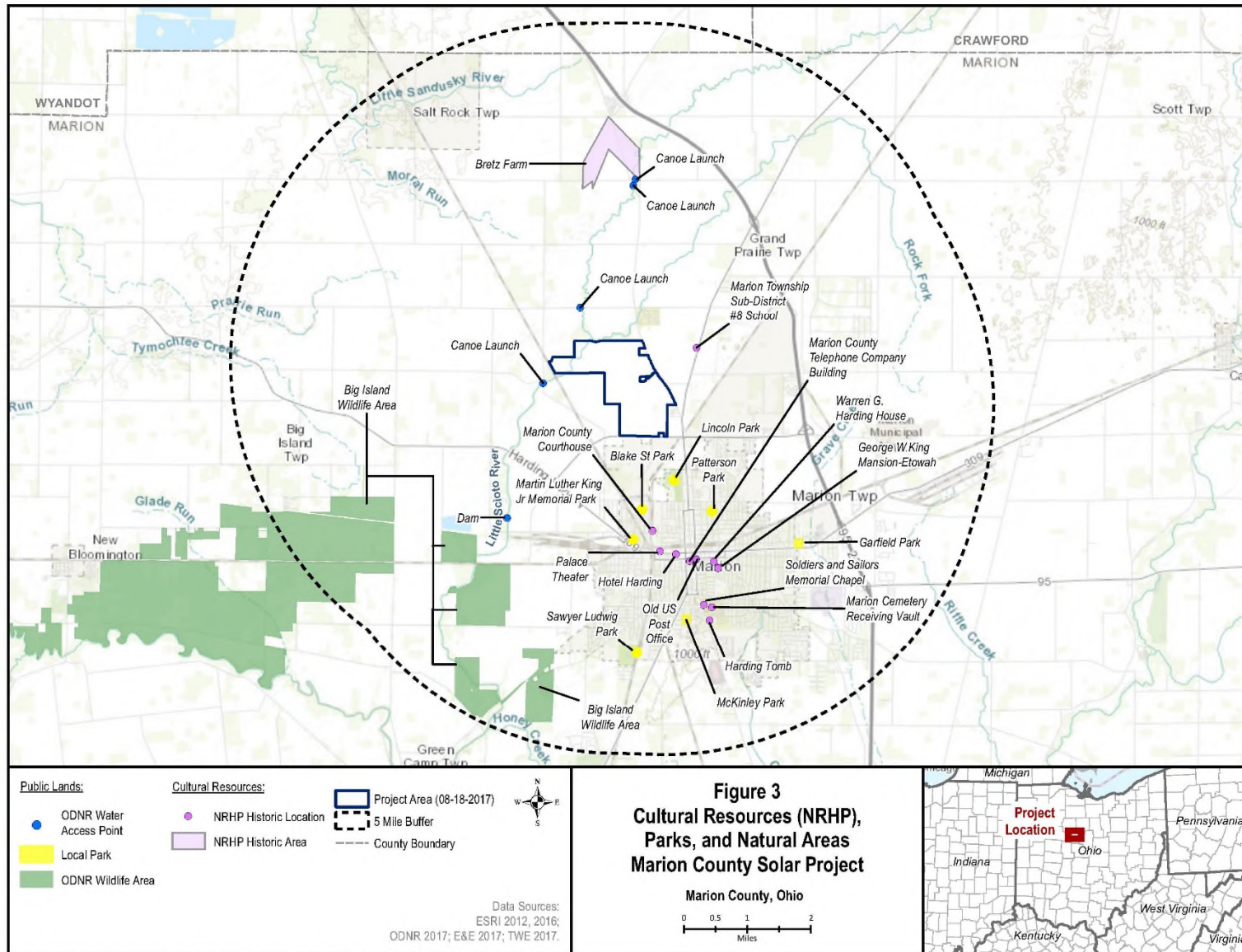
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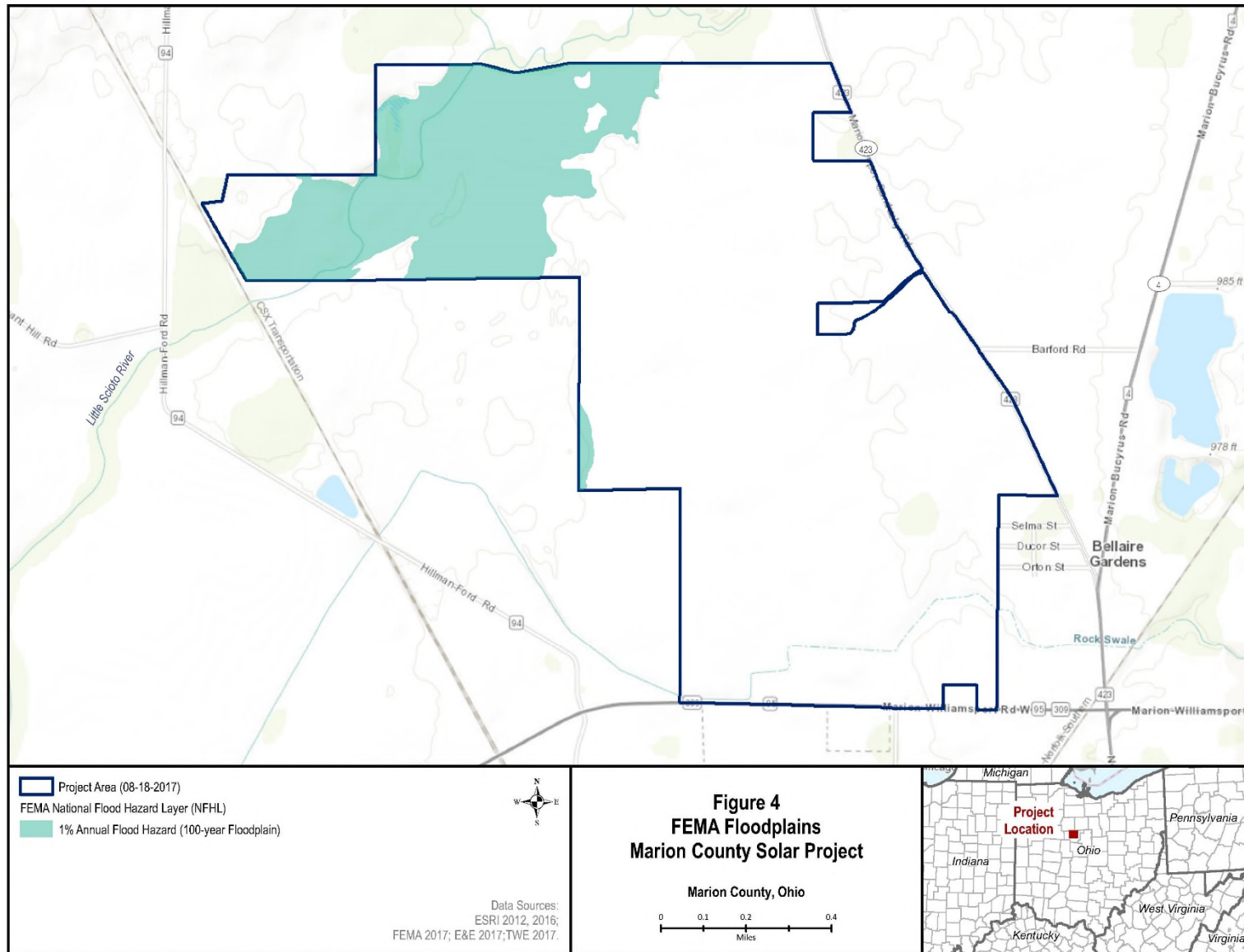
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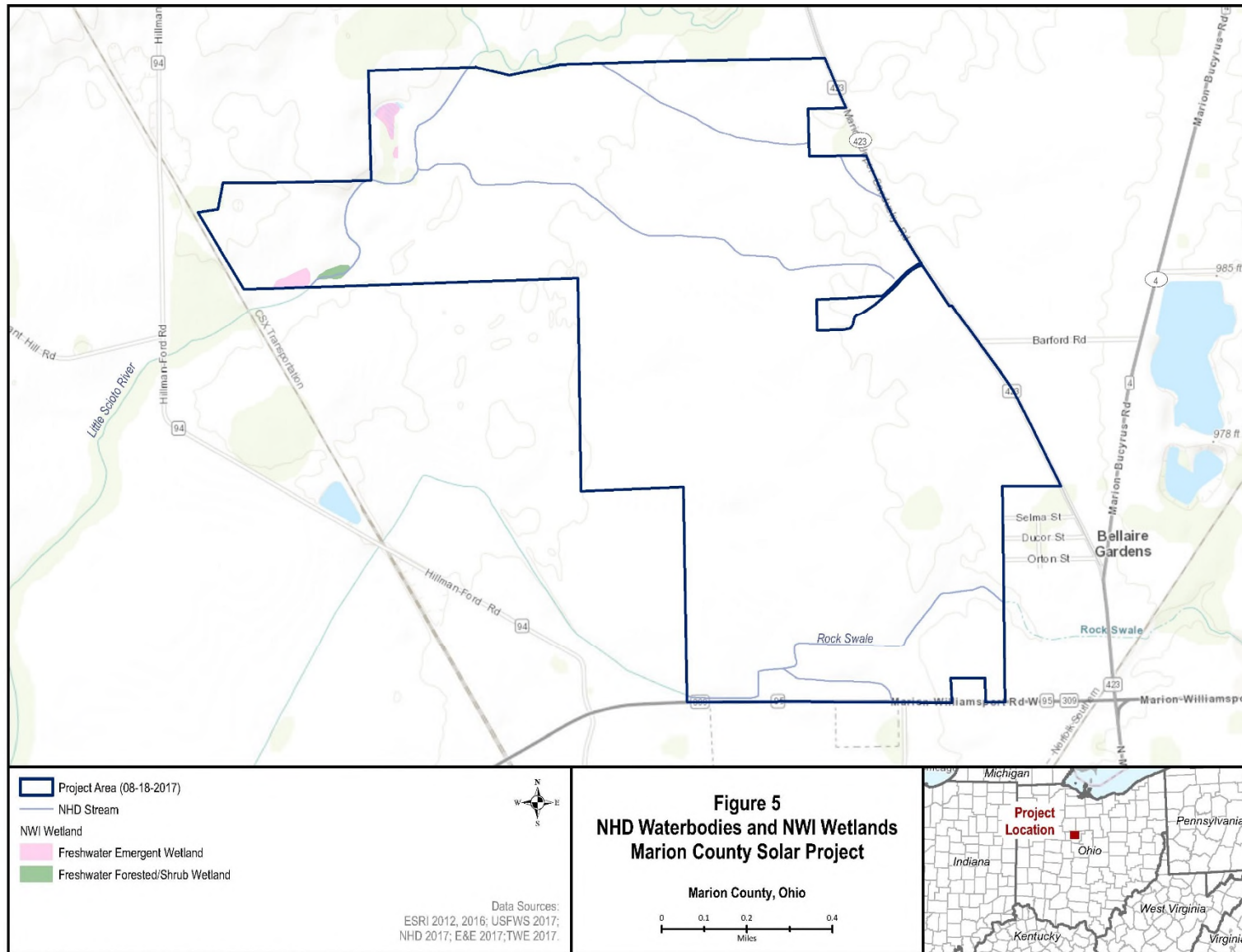
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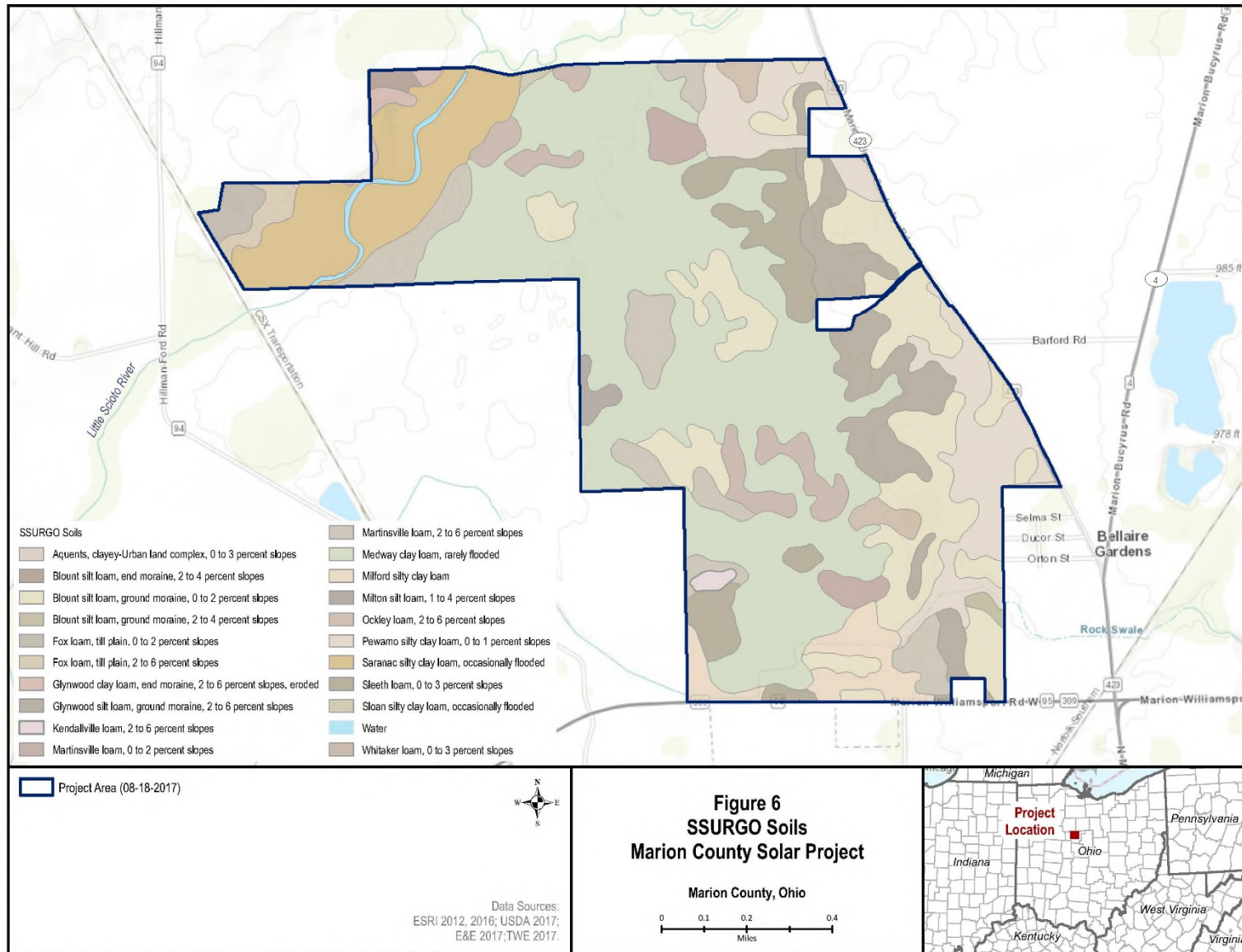




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Attachment B

Environmental Permit Matrix

Preliminary List of Environmental Permits and Approvals for Construction and Operation of the Marion County Solar Project

Permit or Approval	Responsible Agency	Regulated Activity	Requirements	Anticipated Agency Review Time
Federal				
Clean Water Act Section 404 Individual Construction Permit and/or Nationwide Permit (NWP) 12 (Utility Line Activities) and 51 (Land-based Renewable Energy Generation Facilities), Section 10 of the Rivers and Harbor Act	U.S. Army Corps of Engineers (USACE), Buffalo and Huntington Districts	Projects involving impacts to navigable waterways, including wetlands connected by surface water. If impacts are less than 0.5 acres, NWP may be applicable.	Conduct wetland delineation per USACE 1987 manual and prepare Wetland Delineation Report. Request USACE to make jurisdictional determination on wetland to be impacted. Submit Application for Department of the Army Permit, plan drawings, site area map, and cross-sectional view if Individual Permit is required. If NWP permit is acceptable, then submit Pre-Construction Notification to Buffalo and/or Huntington District as required by General Conditions of NWP.	<ul style="list-style-type: none"> • 12 to 18 months for Individual Permit • 4 to 6 months for NWP
Section 7 or 10 Federal Endangered Species Act Consultation	U.S. Fish and Wildlife Service, Ohio Ecological Services Field Office	Section 7: Projects with a federal nexus (e.g. Section 10/404 permit); Section 10: Projects with the potential to adversely affect federally listed species or their habitat.	Project may be cleared with informal USFWS consultation. However, if not, developer must conduct biological surveys and prepare a Biological Assessment for Section 7 compliance. A Habitat Conservation Plan and Incidental Take Permit must be prepared for Section 10 compliance and a National Environmental Protection Act (NEPA) document prepared to evaluate the implications of issuance of an ITP.	<ul style="list-style-type: none"> • 18 to 36 months, including NEPA component.
Bald and Golden Eagle Protection Act	U.S. Fish and Wildlife Service, Ohio Ecological Services Field Office	Construction of a solar energy project with predicted take of eagles.	Obtain purposeful eagle take permit if impacts to eagles are anticipated.	<ul style="list-style-type: none"> • Varies
Migratory Bird Treaty Act	U.S. Fish and Wildlife Service, Ohio Ecological Services Field Office	Prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests.	No permit or approval is available. Consultation with USFWS to document avoidance and minimization of impacts recommended.	<ul style="list-style-type: none"> • Varies
Farmland Protection Policy Act	United States Department of Agriculture, Natural Resources Conservation Service (NRCS)	Construction disturbance that converts prime farmland, unique farmland, or land of statewide or local importance to a non-farm use.	Submit a Farmland Conversion Impact Rating form. Consultation with the local NRCS office.	<ul style="list-style-type: none"> • 3 months

Preliminary List of Environmental Permits and Approvals for Construction and Operation of the Marion County Solar Project

Permit or Approval	Responsible Agency	Regulated Activity	Requirements	Anticipated Agency Review Time
Section 106 of the National Historic Preservation Act (NHPA)	Ohio State Historic Preservation Office (SHPO)	Project construction requires review of historical and archaeological resources, if a federal permit or approval is needed.	Requires submission of project summary form and potential submission of Phase I Archaeology Survey Report and Historic Structures Report and agency review (5-6 months). Additional consultation with the public and/or Indian Tribes also may be needed.	<ul style="list-style-type: none"> • 6 months
Ohio				
Certificate of Environmental Compatibility ¹	Ohio Power Siting Board (OPSB)	Construction of any energy producing facility greater than 50MW.	Obtain a Certificate of Environmental Compatibility pursuant to the Ohio Revised Code Chapter 4906-17. Application for certificate requires a detailed description of the project, project schedule, alternative site locations, technical data, financial data, environmental data, and social/ ecological data. The process also involves public informational meetings and public hearings.	<ul style="list-style-type: none"> • 8 to 12 months
National Pollutant Discharge Elimination System Construction Storm Water General Permit	Ohio Environmental Protection Agency (OEPA), Division of Surface Waters	Construction activities that disturb more than one acre of land.	Submit application for NPDES permit.	<ul style="list-style-type: none"> • 30 days
Water Quality Construction Permit - Ohio Wetland Review - Water Quality Certification – Section 401 of Clean Water Act	OEPA, Division of Surface Waters	Triggered by application to USACE for section 404 permit. Ohio law requires that construction affecting isolated wetlands obtain an isolated wetland permit.	Submit application for permit application, including drawings of facility, description of project, delineation of wetlands, information on existing environment, and mitigation proposal.	<ul style="list-style-type: none"> • 6 to 12 months

Preliminary List of Environmental Permits and Approvals for Construction and Operation of the Marion County Solar Project

Permit or Approval	Responsible Agency	Regulated Activity	Requirements	Anticipated Agency Review Time
Local				
Flood Hazard Area Development Permit	Marion County	Development within an identified flood hazard area in Marion County.	Submit a flood hazard area development permit application to the Marion County Floodplain Administrator, including a project description and detailed site plan. A hydrologic and hydraulic impact analysis completed by a registered professional engineer may also be required.	<ul style="list-style-type: none"> Varies
Zoning Permit	Marion Township	Construction of a permanent structure.	Submit a zoning permit application to Marion County with engineering drawings and applicable fees. Fees are specified in the fee schedule on the zoning permit application. Board of Zoning Appeals approval will be needed to grant a variance request, if required. A public meeting and notice is required as part of this process.	<ul style="list-style-type: none"> Varies

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3/5/2021 10:24:21 AM

in

Case No(s). 21-0036-EL-BGN

Summary: Application - 25 of 30 (Exhibit V – Critical Issues Analysis) electronically filed by Christine M.T. Pirik on behalf of Marion County Solar Project, LLC