

AI: 89785

MSR109677

Rec'd via email:
10/07/2025



MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

LARGE CONSTRUCTION NOTICE OF INTENT (LCNOI) FOR COVERAGE UNDER THE LARGE CONSTRUCTION STORM WATER GENERAL NPDES PERMIT

INSTRUCTIONS

The Large Construction Notice of Intent (LCNOI) is for coverage under the Large Construction General Permit for land disturbing activities of five (5) acres or greater; or for land disturbing activities, which are part of a larger common plan of development or sale that are initially less than five (5) acres but will ultimately disturb five (5) or more acres. Applicant must be the owner or operator. For construction activities, the operator is typically the prime contractor. The owner(s) of the property and the prime contractor associated with regulated construction activity on the property have joint and severable responsibility for compliance with the Large Construction Storm Water General Permit MSR10.

If the company seeking coverage is a corporation, a limited liability company, a partnership, or a business trust, attach proof of its registration with the Mississippi Secretary of State and/or its Certificate of Good Standing. This registration or Certificate of Good Standing must be dated within twelve (12) months of the date of the submittal of this coverage form. Coverage will be issued in the company name as it is registered with the Mississippi Secretary of State.

Completed LCNOIs should be filed at least thirty (30) days prior to the commencement of construction. Discharge of storm water from large construction activities without written notification of coverage is a violation of state law.

Submittals with this LCNOI must include:

- A site-specific Storm Water Pollution Prevention Plan (SWPPP) developed in accordance with ACT5 of the General Permit
- A detailed site-specific scaled drawing showing the property layout and the features outlined in ACT5 of the General Permit
- A United States Geological Survey (USGS) quadrangle map or photocopy, extending at least one-half mile beyond the facility property boundaries with the site location and outfalls outlined or highlighted. The name of the quadrangle map must be shown on all copies. Quadrangle maps can be obtained from the MDEQ, Office of Geology at 601-961-5523.

Additional submittals may include the following, if applicable:

- Appropriate Section 404 documentation from U.S. Army Corps of Engineers
- Appropriate documentation concerning future disposal of sanitary sewage and sewage collection system construction
- Appropriate documentation from the MDEQ Office of Land & Water concerning dam construction and low flow requirements
- Approval from County Utility Authority in Hancock, Harrison, Jackson, Pearl River and Stone Counties
- Antidegradation report for disturbance within Waters of the State

ALL QUESTIONS MUST BE ANSWERED (Answer "NA" if the question is not applicable)

APPLICANT IS THE: ☐ OWNER ☐ PRIME CONTRACTOR

OWNER CONTACT INFORMATION

OWNER CONTACT PERSON: _____

OWNER COMPANY LEGAL NAME: _____

OWNER STREET OR P.O. BOX: _____

OWNER CITY: _____ STATE: _____ ZIP: _____

OWNER PHONE #: (____) _____ OWNER EMAIL: _____

PREPARER CONTACT INFORMATION

IF NOI WAS PREPARED BY SOMEONE OTHER THAN THE APPLICANT

CONTACT PERSON: _____

COMPANY LEGAL NAME: _____

STREET OR P.O. BOX: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE # (904) 680-2976 EMAIL: _____

PRIME CONTRACTOR CONTACT INFORMATION

PRIME CONTRACTOR CONTACT PERSON: _____

PRIME CONTRACTOR COMPANY LEGAL NAME: _____

PRIME CONTRACTOR STREET OR P.O. BOX: _____

PRIME CONTRACTOR CITY: _____ STATE: _____ ZIP: _____

PRIME CONTRACTOR PHONE #: (____) _____ PRIME CONTRACTOR EMAIL: _____

FACILITY SITE INFORMATION

FACILITY SITE NAME: _____

FACILITY SITE ADDRESS (If the physical address is not available, please indicate the nearest named road. For linear projects indicate the beginning of the project and identify all counties the project traverses.)

STREET: _____

CITY: _____ STATE: _____ COUNTY: _____ ZIP: _____

FACILITY SITE TRIBAL LAND ID (N/A If not applicable): _____

LATITUDE: ____ degrees ____ minutes ____ seconds LONGITUDE: ____ degrees ____ minutes ____ seconds

LAT & LONG DATA SOURCE (GPS (Please GPS Project Entrance/Start Point) or Map Interpolation): _____

TOTAL ACREAGE THAT WILL BE DISTURBED ¹: _____

IS THIS PART OF A LARGER COMMON PLAN OF DEVELOPMENT?	YES ☐	NO ☐
IF YES, NAME OF LARGER COMMON PLAN OF DEVELOPMENT: _____		
AND PERMIT COVERAGE NUMBER: MSR10 _____		
ESTIMATED CONSTRUCTION PROJECT START DATE:	_____	
ESTIMATED CONSTRUCTION PROJECT END DATE:	_____	
DESCRIPTION OF CONSTRUCTION ACTIVITY: _____		
PROPOSED DESCRIPTION OF PROPERTY USE AFTER CONSTRUCTION HAS BEEN COMPLETED: _____		

SIC Code: _____	NAICS Code _____
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NEAREST NAMED RECEIVING STREAM: _____	
IS RECEIVING STREAM ON MISSISSIPPI'S 303(d) LIST OF IMPAIRED WATER BODIES? (The 303(d) list of impaired waters and TMDL stream segments may be found on MDEQ's web site: http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section)	
	YES ☐ NO ☐
HAS A TMDL BEEN ESTABLISHED FOR THE RECEIVING STREAM SEGMENT?	Lost Lake Bayou YES ☐ NO ☐ Lake Cormorant Bayou YES ☐ NO ☐
FOR WHICH POLLUTANT: DDT, Organic Enrichment, Dissolved Oxygen, Sediment, Total Nitrogen, Total Phosphorus, Toxaphene	
ARE THERE RECREATIONAL STREAMS, PRIVATE/PUBLIC PONDS OR LAKES WITHIN ½ MILE DOWNSTREAM OF PROJECT BOUNDARY THAT MAY BE IMPACTED BY THE CONSTRUCTION ACTIVITY?	
YES ☐ NO ☐	
EXISTING DATA DESCRIBING THE SOIL (for linear projects please describe in SWPPP): _____	
WILL FLOCCULANTS BE USED TO TREAT TURBIDITY IN STORM WATER?	
YES ☐ NO ☐	
IF YES, INDICATE THE TYPE OF FLOCCULANT.	☐ ANIONIC POLYACRYLIMIDE (PAM) ☐ OTHER _____
IF YES, DOES THE SWPPP DESCRIBE THE METHOD OF INTRODUCTION, THE LOCATION OF INTRODUCTION AND THE LOCATION OF WHERE FLOCCULATED MATERIAL WILL SETTLE?	
IS A SDS SHEET INCLUDED FOR THE FLOCCULATE?	
YES ☐ NO ☐	
WILL THERE BE A 50 FT BUFFER BETWEEN THE PROJECT DISTURBANCE AND THE WATERS OF THE STATE?	
A 50-foot buffer will be maintained between project activities and the majority of Waters of the State. In certain areas, site constraints may prevent the implementation of the full buffer distance. YES ☐ NO ☐	
IF NOT, PROVIDE EQUIVALENT CONTROL MEASURES IN THE SWPPP.	
BMPs can be found in section 2.2 of the SWPPP	

¹ Acreage for subdivision development includes areas disturbed by construction of roads, utilities and drainage. Additionally, a housesite of at least 10,000 ft² per lot (entire lot, if smaller) shall be included in calculating acreage disturbed.

DOCUMENTATION OF COMPLIANCE WITH OTHER REGULATIONS/REQUIREMENTS
 COVERAGE UNDER THIS PERMIT WILL NOT BE GRANTED UNTIL ALL OTHER REQUIRED
 MDEQ PERMITS AND APPROVALS ARE SATISFACTORILY ADDRESSED

IS LCNOI FOR A FACILITY THAT WILL REQUIRE OTHER PERMITS?

YES ☐ NO ☐

IF YES, CHECK ALL THAT APPLY: ☐ AIR ☐ HAZARDOUS WASTE ☐ PRETREATMENT
 ☐ WATER STATE OPERATING ☐ INDIVIDUAL NPDES ☐ OTHER: _____

IS THE PROJECT REROUTING, FILLING OR CROSSING A WATER CONVEYANCE OF ANY KIND? (If yes, contact the U.S. Army Corps of Engineers' Regulatory Branch for permitting requirements.) YES ☐ NO ☐

IF THE PROJECT REQUIRES A CORPS OF ENGINEER SECTION 404 PERMIT, PROVIDE APPROPRIATE DOCUMENTATION THAT:

- The project has been approved by individual permit, or
- The work will be covered by a nationwide permit and NO NOTIFICATION to the Corps is required, or
- The work will be covered by a nationwide or general permit and NOTIFICATION to the Corps is required

The project will be covered by a nationwide permit. A pre-construction notification has been submitted.

IS THE PROJECT REROUTING, FILLING OR CROSSING A STATE WATER CONVEYANCE OF ANY KIND? (If yes, please provide an antidegradation report.) YES ☐ NO ☐

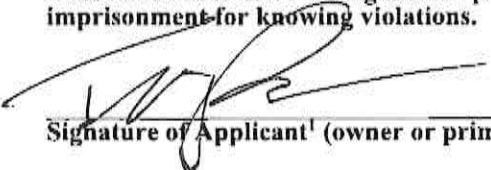
IS A LAKE REQUIRING THE CONSTRUCTION OF A DAM BEING PROPOSED? YES ☐ NO ☐
 (If yes, provide appropriate approval documentation from MDEQ Office of Land and Water, Dam Safety.)

IF THE PROJECT IS A SUBDIVISION OR A COMMERCIAL DEVELOPMENT, HOW WILL SANITARY SEWAGE BE DISPOSED? Check one of the following and attach the pertinent documents. Sanitary sewage will not be generated on-site.

- ☐ Existing Municipal or Commercial System. Please attach plans and specifications for the collection system and the associated "Information Regarding Proposed Wastewater Projects" form or approval from County Utility Authority in Hancock, Harrison, Jackson, Pearl River and Stone Counties. If the plans and specifications can not be provided at the time of LCNOI submittal, MDEQ will accept written acknowledgement from official(s) responsible for wastewater collection and treatment that the flows generated from the proposed project can and will be transported and treated properly. The letter must include the estimated flow.
- ☐ Collection and Treatment System will be Constructed. Please attach a copy of the cover of the NPDES discharge permit from MDEQ or indicate the date the application was submitted to MDEQ (Date: _____.)
- ☐ Individual Onsite Wastewater Disposal Systems for Subdivisions Less than 35 Lots. Please attach a copy of the Letter of General Acceptance from the Mississippi State Department of Health or certification from a registered professional engineer that the platted lots should support individual onsite wastewater disposal systems.
- ☐ Individual Onsite Wastewater Disposal Systems for Subdivisions Greater than 35 Lots. A determination of the feasibility of installing a central sewage collection and treatment system must be made by MDEQ. A copy of the response from MDEQ concerning the feasibility study must be attached. If a central collection and wastewater system is not feasible, then please attach a copy of the Letter of General Acceptance from the State Department of Health or certification from a registered professional engineer that the platted lots should support individual onsite wastewater disposal systems.

INDICATE ANY LOCAL STORM WATER ORDINANCE (I.E. MS4) WITH WHICH THE PROJECT MUST COMPLY:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


Signature of Applicant¹ (owner or prime contractor)

4/18/25
Date Signed

Tyler Parker

Printed Name¹

Project Manager

Title

¹This application shall be signed as follows:

- For a corporation, by a responsible corporate officer.
- For a partnership, by a general partner.
- For a sole proprietorship, by the proprietor.

For a municipal, state or other public facility, by principal executive officer, mayor, or ranking elected official

Please submit the LCNOI form to:

Chief, Environmental Permits Division
MS Department of Environmental Quality, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225

Electronically:

<https://www.mdeq.ms.gov/construction-stormwater/>

Revised 3/23/22

U.S. Army Corps of Engineers (USACE)
NATIONWIDE PERMIT PRE-CONSTRUCTION NOTIFICATION (PCN)

For use of this form, see 33 CFR 330; the proponent agency is CECW-CO-R.

Form Approved -
OMB No. 0710-
0003
Expires: 2027-10-31

DATA REQUIRED BY THE PRIVACY ACT OF 1974

Authority Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Regulatory Program of the Corps of Engineers (Corps); Final Rule 33 CFR 320-332.

Principal Purpose Information provided on this form will be used in evaluating the nationwide permit pre-construction notification.

Routine Uses This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of the agency coordination process.

Disclosure Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can

The public reporting burden for this collection of information, 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR RESPONSE TO THE ABOVE EMAIL.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see *sample drawings and/or instructions*) and be submitted to the district engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED 08/06/2025	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First – Courtney Middle – Last – Fazende Company – ENTERGY Company Title – E-mail Address – cforet1@entergy.com	8. AUTHORIZED AGENT'S NAME AND TITLE (<i>agent is not required</i>) First – Hunter Middle – S Last – Stover Company – T. Baker Smith E-mail Address – hunter.stover@tbsmith.com
6. APPLICANT'S ADDRESS Address – 639 Loyola Ave City – New Orleans State – LA ZIP – 70113 Country – US	9. AGENT'S ADDRESS Address – 107 Global Circle City – Lafayette State – LA ZIP – 70503 Country – US
7. APPLICANT'S PHONE NOS. with AREA CODE a. Mobile b. c. Fax +15042503605	10. AGENT'S PHONE NOS. with AREA CODE a. Primary b. c. Fax +13372782100

STATEMENT OF AUTHORIZATION	
11. I hereby authorize, <u>Hunter S Stover</u> to act in my behalf as my agent in the processing of this nationwide permit pre-construction notification and to furnish, upon request, supplemental information in support of this nationwide permit pre-construction notification.	
_____ SIGNATURE OF APPLICANT	_____ DATE
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY	
12. PROJECT NAME or TITLE (<i>see instructions</i>) Penton Solar Project	
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY	
13. NAME OF WATERBODY, IF KNOWN (<i>if applicable</i>)	14. PROPOSED ACTIVITY STREET ADDRESS (<i>if applicable</i>) Address: City: Lake State: MS Zip: 38641 Cormorant
15. LOCATION OF PROPOSED ACTIVITY (<i>see instructions</i>) Latitude: 34.872074 °N Longitude: -90.2646131 °W	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (<i>see instructions</i>) State Tax Parcel ID: Municipality Section: 33 Township: 002 Range: 010	
17. DIRECTIONS TO THE SITE	
18. IDENTIFY THE SPECIFIC NATIONWIDE PERMIT(S) YOU PROPOSE TO USE NWP 51 Land-Based Renewable Energy Generation Facilities, NWP 57 Electric Utility Line and Telecommunications Activities, NWP 14 Linear Transportation Projects	
19. DESCRIPTION OF PROPOSED NATIONWIDE PERMIT ACTIVITY (<i>see instructions</i>) The applicant proposes to construct, own, operate, and maintain a new 190-megawatt (MW) solar energy facility in DeSoto County, Mississippi, under Nationwide Permit 51 for Land-Based Renewable Energy Generation Facilities. The proposed utility-scale facility will occupy approximately 1,225 acres, with solar infrastructure including panel arrays, access roads, and associated electrical components installed across approximately 700 acres of the site. Construction activities will involve clearing, grading, and minor excavation, as well as the discharge of fill material into approximately 0.04 acre of non-wetland waters of the United States. No wetlands will be filled or otherwise impacted by the project. Fill activities are limited to isolated open water features required for road crossings and infrastructure placement. Solar panel arrays will be mounted on low-impact foundations using driven steel piles or helical piers, selected based on geotechnical conditions. These methods avoid the use of concrete footings and reduce ground disturbance. Electrical inverters and transformers will be installed on concrete pads or compacted fill platforms, depending on engineering specifications. Underground electrical conduits will be installed using trenching or horizontal directional drilling (HDD); HDD will be employed in sensitive areas to further avoid environmental impacts.	

Internal access roads will be approximately 16 feet wide, constructed using compacted gravel or stabilized soil, and underlain with geotextile fabric where required to enhance structural stability in soft soils. All construction will be executed from upland areas where feasible. During construction, best management practices (BMPs) such as silt fencing, erosion control blankets, and temporary sediment basins will be employed to manage stormwater runoff and protect water quality.

Direct environmental effects are limited to the permanent fill of 0.04 acre of open water, with no impacts to wetlands or streams. Indirect effects are expected to be minor and temporary, as the project will implement stringent erosion and sediment control measures. No hazardous materials will be introduced, and no significant changes to site hydrology or habitat conditions are anticipated.

All work will be conducted in accordance with applicable federal, state, and local environmental regulations. The project is designed to avoid and minimize impacts to jurisdictional waters to the maximum extent practicable, consistent with the conditions of Nationwide Permit 51, and will result in no more than minimal adverse environmental effects.

The applicant proposes the development of a large-scale solar energy facility on an approximately 1,225-acre project site, with approximately 700 acres to be actively developed to accommodate internal roads, solar panel arrays, and associated infrastructure. The project will include the installation of solar panels mounted on either driven piles or helical piers, depending on site-specific geotechnical conditions. The panels are expected to reach heights of approximately 6 to 10 feet at their maximum tilt. The solar arrays will be arranged in rows across cleared and graded portions of the site, with underground electrical conduit connecting the arrays to inverters and transformers. These electrical components will be mounted on either concrete pads or compacted fill platforms, based on engineering and site requirements.

Site access will be facilitated by a network of internal roads, typically 16 feet in width. These roads will be constructed of compacted gravel or stabilized soil and may include geotextile underlayment in areas with poor soil stability. Grading and compaction activities will be conducted in accordance with standard construction practices to ensure durability for both installation and long-term operational use.

The project will require the discharge of fill material in limited areas, primarily for the construction of roadbeds and equipment pads. No wetlands are proposed to be filled as part of the project. However, approximately 0.04 acre of open water features will be impacted by the proposed activities. Overall, the project will involve moderate levels of excavation and foundation work, with a primary emphasis on avoiding and minimizing impacts to jurisdictional waters while supporting the efficient construction of a utility-scale solar energy facility.

20. DESCRIPTION OF PROPOSED MITIGATION MEASURES (*see instructions*)

The layout of the project was specifically designed to avoid impacts to wetlands and waters wherever possible.

21. PURPOSE OF NATIONWIDE PERMIT ACTIVITY (*Describe the reason or purpose of the project, see instructions*)

The purpose of the proposed activity is to construct a 190-megawatt (MW) utility-scale solar energy facility in DeSoto County, Mississippi, which will generate renewable electricity for distribution into the regional power grid. The facility is intended to support growing statewide and regional demand for clean, sustainable energy and to contribute to broader energy diversification and decarbonization goals set by both state and federal agencies, as well as the applicant's long-term energy portfolio strategy.

The need for the proposed project stems from increasing electricity consumption, aging fossil fuel infrastructure, and policy incentives promoting renewable energy development. This solar facility will help reduce greenhouse gas emissions, provide grid stability, and support energy independence by harnessing an abundant, renewable resource - solar energy. Additionally, it aligns with the objectives of the U.S. Army Corps of Engineers' Nationwide Permit 51, which facilitates the streamlined permitting of low-impact, land-based renewable energy generation projects.

The selected site offers ideal conditions for solar development, including high solar irradiance, proximity to existing transmission infrastructure, and sufficient land area to support utility-scale deployment. The project will generate enough electricity to power approximately 35,000 homes annually while creating local construction jobs and contributing to the economic development of the region.

The use of Nationwide Permit 51 is appropriate because the proposed activity involves minimal impacts to jurisdictional waters of the United States (0.04 acre of non-wetland open water), and the project has been designed to avoid and minimize such impacts to the maximum extent practicable. The permit will allow the applicant to proceed efficiently with the construction of critical clean energy infrastructure while ensuring compliance with environmental regulations.

(see instructions)

Cubic Yards Dredged or Discharged

23. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. (*see instructions*)

If Yes, describe the completed work:

None

None. The nearest known historic property to the project area is Kirby-Willis Plantation, in Robinsonville, Tunica County. The project is located approximately 0.8 miles north of the site across Highway 61 and is anticipated to have no effect on the site.

If "yes", please provide the date your request was submitted to the Corps district:

30. If the terms of the NWP(s) you want to use require additional information to be included in the PCN, please include that information in this space or provide it on an additional sheet of paper marked Block 30. (see instructions)

31. Pre-construction notification is hereby made for one or more nationwide permit(s) to authorize the work described in this notification. I certify that the information in this pre-construction notification is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Hunter S Stover08/06/2025

SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE
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The pre-construction notification must be signed by the person who desires to undertake the proposed activity (applicant) and, if the statement in Block 11 has been filled out and signed, the authorized agent.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**Instructions for Preparing a
Department of the Army
Nationwide Permit (NWP) Pre-Construction Notification (PCN)**

Blocks 1 through 4. To be completed by the Corps of Engineers.

Block 5. Applicant's Name. Enter the name and the e-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the preconstruction notification, please attach a sheet of paper with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the PCN. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant's Telephone Number(s). Please provide the telephone number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, consultant, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by the applicant, if an agent is to be employed.

Block 12. Proposed Nationwide Permit Activity Name or Title. Please provide a name identifying the proposed NWP activity, e.g., Windward Marina, Rolling Hills Subdivision, or Smith Commercial Center.

Block 13. Name of Waterbody. Please provide the name (if it has a name) of any stream, lake, marsh, or other waterway to be directly impacted by the NWP activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Activity Street Address. If the proposed NWP activity is located at a site having a street address (not a box number), please enter it in Block 14.

Block 15. Location of Proposed Activity. Enter the latitude and longitude of where the proposed NWP activity is located. Indicate whether the project location provided is the center of the project or whether the project location is provided as the latitude and longitude for each of the "corners" of the project area requiring evaluation. If there are multiple sites, please list the latitude and longitude of each site (center or corners) on a separate sheet of paper and mark as Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality where the site is located.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide a description of the location of the proposed NWP activity, such as lot numbers, tract numbers, or you may choose to locate the proposed NWP activity site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed NWP activity site if known. If there are multiple locations, please indicate directions to each location on a separate sheet of paper and mark as Block 17.

Block 18. Identify the Specific Nationwide Permit(s) You Propose to Use. List the number(s) of the Nationwide Permit(s) you want to use to authorize the proposed activity (e.g., NWP 29).

Block 19. Description of the Proposed Nationwide Permit Activity. Describe the proposed NWP activity, including the direct and indirect adverse environmental effects the activity would cause. The description of the proposed activity should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal. Identify the materials to be used in construction, as well as the methods by which the work is to be done.

Provide sketches when necessary to show that the proposed NWP activity complies with the terms of the applicable NWP(s). Sketches usually clarify the activity and result in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed NWP activity (e.g., a conceptual plan), but do not need to be detailed engineering plans.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 19.

Block 20. Description of Proposed Mitigation Measures. Describe any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed NWP activity. The description of any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or additional mitigation measures.

Block 21. Purpose of Nationwide Permit Activity. Describe the purpose and need for the proposed NWP activity. What will it be used for and why? Also include a brief description of any related activities associated with the proposed project. Provide the approximate dates you plan to begin and complete all work.

Block 22. Quantity of Wetlands, Streams, or Other Types of Waters Directly Affected by the Proposed Nationwide Permit Activity. For discharges of dredged or fill material into waters of the United States, provide the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained by the proposed NWP activity. For structures or work in navigable waters of the United States subject to Section 10 of the Rivers and Harbors Act of 1899, provide the amount of navigable waters filled, dredged, or occupied by one or more structures (e.g., aids to navigation, mooring buoys) by the proposed NWP activity.

For multiple NWPs, or for separate and distant crossings of waters of the United States authorized by NWPs 12 or 14, attach an extra sheet of paper marked Block 21 to provide the quantities of wetlands, streams, or other types of waters filled, flooded, excavated, or drained (or dredged or occupied by structures, if in waters subject to Section 10 of the Rivers and Harbors Act of 1899) for each NWP. For NWPs 12 and 14, include the amount of wetlands, streams, or other types of waters filled, flooded, excavated, or drained for each separate and distant crossing of waters or wetlands. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Identify Any Other Nationwide Permit(s), Regional General Permit(s), or Individual Permit(s) Used to Authorize Any Part of Proposed Activity or Any Related Activity. List any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. For linear projects, list other separate and distant crossings of waters and wetlands authorized by NWPs 12 or 14 that do not require PCNs. If more space is needed, attach an extra sheet of paper marked Block 23.

Block 24. Compensatory Mitigation Statement for Losses of Greater Than 1/10-Acre of Wetlands and/or of Greater Than 3/100-Acre of Stream Bed When Pre-Construction Notification is Required. Paragraphs (c) and (d) of NWP general condition 23 require compensatory mitigation at a minimum one-for-one replacement ratio for all wetland losses that exceed 1/10-acre and/or for all losses of stream bed that exceed 3/100-acre, unless the district engineer determines in writing that either some other form of mitigation is more environmentally appropriate or the adverse environmental effects of the proposed NWP activity are no more than minimal without compensatory mitigation, and provides an activity-specific waiver of this requirement. Describe the proposed compensatory mitigation for wetland losses greater than 1/10 acre and/or for losses of stream bed that exceed 3/100-acre, or provide an explanation of why the district engineer should not require wetland and/or stream compensatory mitigation for the proposed NWP activity. If more space is needed, attach an extra sheet of paper marked Block 24.

Block 25. Is Any Portion of the Nationwide Permit Activity Already Complete? Describe any work that has already been completed for the NWP activity.

Block 26. List the Name(s) of Any Species Listed As Endangered or Threatened under the Endangered Species Act that Might be Affected by the Nationwide Permit Activity. If you are not a federal agency, and if any listed species or designated critical habitat might be affected or is in the vicinity of the proposed NWP activity, or if the proposed NWP activity is located in designated critical habitat, list the name(s) of those endangered or threatened species that might be affected by the proposed NWP activity or utilize the designated critical habitat that might be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 7 of the Endangered Species Act.

Block 27. List Any Historic Properties that Have the Potential to be Affected by the Nationwide Permit Activity. If you are not a Federal agency, and if any historic properties have the potential to be affected by the proposed NWP activity, list the name(s) of those historic properties that have the potential to be affected by the proposed NWP activity. If you are a Federal agency, and the proposed NWP activity requires a PCN, you must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

Block 28. List the Wild and Scenic River or Congressionally Designated Study River if the Nationwide Permit Activity Would Occur in such a River. If the proposed NWP activity will occur in a river in the National Wild and Scenic River System or in a river officially designated by Congress as a "study river" under the Wild and Scenic Rivers Act, provide the name of the river. For a list of Wild and Scenic Rivers and study rivers, please visit <http://www.rivers.gov/>.

Block 29. Nationwide Permit Activities that also Require Permission from the Corps Under 33 U.S.C. 408. If the proposed NWP activity also requires permission from the Corps under 33 U.S.C. 408 because it will temporarily or permanently alter, occupy, or use a Corps federal authorized civil works project, indicate whether you have submitted a written request for section 408 permission from the Corps district having jurisdiction over that project.

Block 30. Other Information Required For Nationwide Permit Pre Construction Notifications. The terms of some of the Nationwide Permits include additional information requirements for preconstruction notifications:

- * NWP 3, Maintenance –information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.
- * NWP 31, Maintenance of Existing Flood Control Facilities –a description of the maintenance baseline and the dredged material disposal site.
- * NWP 33, Temporary Construction, Access, and Dewatering –a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre project conditions.
- * NWP 44, Mining Activities –if reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre construction notification.
- * NWP 45, Repair of Uplands Damaged by Discrete Events –documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration.
- * NWP 48, Commercial Shellfish Aquaculture Activities –(1) a map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; (3) whether canopy predator nets will be used; (4) whether suspended cultivation techniques will be used; and (5) general water depths in the project area (a detailed survey is not required).
- * NWP 49, Coal Remining Activities –a document describing how the overall mining plan will result in a net increase in aquatic resource functions must be submitted to the district engineer and receive written authorization prior to commencing the activity.
- * NWP 50, Underground Coal Mining Activities –if reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre construction notification.

If more space is needed, attach an extra sheet of paper marked Block 30.

Block 31. Signature of Applicant or Agent. The PCN must be signed by the person proposing to undertake the NWP activity, and if applicable, the authorized party (agent) that prepared the PCN. The signature of the person proposing to undertake the NWP activity shall be an affirmation that the party submitting the PCN possesses the requisite property rights to undertake the NWP activity (including compliance with special conditions, mitigation, etc.).

DELINEATION OF WETLANDS, OTHER SPECIAL AQUATIC SITES, AND OTHER WATERS

Each PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current wetland delineation manual and regional supplement published by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. The 45 day PCN review period will not start until the delineation is submitted or has been completed by the Corps.

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross Section Map. Identify each illustration with a figure or attachment number. For linear projects (e.g. roads, subsurface utility lines, etc.) gradient

drawings should also be included. Please submit one original, or good quality copy, of all drawings on 8½x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

ADDITIONAL INFORMATION AND REQUIREMENTS

For proposed NWP activities that involve discharges into waters of the United States, water quality certification from the State, Tribe, or EPA must be obtained or waived (see NWP general condition 25). Some States, Tribes, or EPA have issued water quality certification for one or more NWPs. Please check the appropriate Corps district web site to see if water quality certification has already been issued for the NWP(s) you wish to use. For proposed NWP activities in coastal states, state Coastal Zone Management Act consistency concurrence must be obtained, or a presumption of concurrence must occur (see NWP general condition 26). Some States have issued Coastal Zone Management Act consistency concurrences for one or more NWPs. Please check the appropriate Corps district web site to see if Coastal Zone Management Act consistency concurrence has already been issued for the NWP(s) you wish to use.

Cottingham, Kayla

From: rrs@usace.army.mil
Sent: Wednesday, August 6, 2025 4:28 PM
To: Fazende, Courtney; hunter.stover@tbsmith.com
Subject: Department of the Army Preconstruction Notification (PCN) (ENG 6082) Request - Penton Solar Project

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from rrs@usace.army.mil. [Learn why this is important](#)

 **HIGH RISK: UNTRUSTED EXTERNAL SENDER. DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your User ID or Password.**

The U.S. Army Corps of Engineers, Vicksburg District has received your submission for a Preconstruction Notification (PCN) (ENG 6082) through the Regulatory Request System. The U.S. Army Corps of Engineers Regulatory program is committed to providing you with the highest level of public service.

Your request will be processed in the order it was received, and the assigned project manager will contact you if any additional information is required to complete the review of your request.

General information about the U.S. Army Corps of Engineers' Regulatory Program is available on the Regulatory Request System homepage at: <https://rrs.usace.army.mil>

Information specific for your region can be found at the Vicksburg District website at:
<http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>

This mailbox is not monitored. If you have any questions, please contact your assigned project manager or reach out the Vicksburg District directly.