

## Appendix 14-3

# **ORES Surface Waters and Wetlands Jurisdictional Determination**



**Surface Waters Jurisdictional Determination  
June 1, 2021**

Pursuant to § 900-1.3(f)(2), Riverside Solar LLC provided the document entitled “Wetland and Stream Delineation Report - Riverside Solar Project” dated March 2021, as well as associated photographs and GIS shapefiles received March 2021, for the proposed Riverside Solar Project located in Jefferson County, New York.

Pursuant to § 900-1.3(f)(4), the Office of Renewable Energy Siting (the Office or ORES), in consultation with the New York State Department of Environmental Conservation (NYSDEC), hereby provides, in Attachment A, the specific jurisdictional determinations for state regulated surface waters identified in the above referenced delineation report and associated shapefiles. The information provided in Attachment A will be necessary for developing Exhibit 13 (§900-2.14) in support of an application to the Office for a major renewable energy facility.

Please note that this determination only applies to major renewable energy facilities as defined by Section 94-c of New York Executive Law and 19 NYCRR Part 900. This determination does not cover other projects, nor does it cover determinations under other applicable federal, state, or local jurisdictions, such as the Army Corps of Engineer’s regulatory program under Section 404 of the Clean Water Act. Please contact those entities regarding their potential regulatory jurisdiction.

This determination is valid for a period of five years from the date of this letter. After five years, determinations and delineations will be considered expired and subject to change until a new determination or delineation is conducted and the Office extends this determination or issues a new jurisdictional determination.

CC: NYSDEC

**Attachment A**

Office of Renewable Energy Siting

Water specific jurisdictional determinations for surface waters identified in the draft wetland and waterbodies delineation report

Stream Delineation ID <sup>1</sup>	Flow Char./ Stream Type <sup>2</sup>	Stream Name	NYS Stream Class	Waterbody Identification Number (WIN)	Protected Stream (ECL 15-0501) (Yes/No)	Navigable Water (ECL 15-505) (Yes/No)	Stream Order (1 or >1)	Description of minor adjustments from draft delineation report, if any.
S-NSD-1	Perennial	Horse Creek 847-22	Class C	Ont 9a	No	Yes	3	

<sup>1</sup> ID assigned by applicant in draft wetland delineation report.

<sup>2</sup> Perennial, intermittent, ephemeral.



**Wetlands Jurisdictional Determination  
June 1, 2021**

Pursuant to § 900-1.3(e)(2), Riverside Solar LLC provided the document entitled “Wetland and Stream Delineation Report - Riverside Solar Project” and dated March 2021, as well as associated photographs and GIS shapefiles received March 2021, for the proposed Riverside Solar Project located in Jefferson County, New York.

Pursuant to § 900-1.3(e)(4), the Office of Renewable Energy Siting (the Office or ORES), in consultation with the New York State Department of Environmental Conservation (NYSDEC), hereby provides, in Attachment A, the specific jurisdictional determinations for state-regulated wetlands identified in above referenced delineation report and shapefiles. The information provided in Attachment A will be necessary for developing Exhibit 14 (§900-2.15) in support of an application to the Office for a major renewable energy facility.

Please note that this determination only applies to major renewable energy facilities as defined by Section 94-c of New York Executive Law and 19 NYCRR Part 900. This determination does not cover other projects, nor does it cover determinations under other applicable federal, state, or local jurisdictions, such as the Army Corps of Engineer’s regulatory program under Section 404 of the Clean Water Act. Please contact those entities regarding their potential regulatory jurisdiction.

This determination is valid for a period of five years from the date of this letter. After five years, determinations and delineations will be considered expired and subject to change until a new determination or delineation is conducted and the Office extends this determination or issues a new jurisdictional determination.

CC: NYSDEC

## Attachment A

### Office of Renewable Energy Siting

Wetland specific jurisdictional determination for wetlands from draft wetland and waterbodies delineation report

Wetland Delineation ID <sup>1</sup>	Acreage	Category <sup>2</sup>	State Wetland ID	Wetland Classification	Changes <sup>3</sup>
W_BF_11	0.28	Unmapped >12.4 ac	NA	NA	
W_BF_11	0.50	Unmapped >12.4 ac	NA	NA	
W_BF_11	11.81	Unmapped >12.4 ac	NA	NA	
W_BF_5	0.00	Unmapped >12.4 ac	NA	NA	
W_BF_5	0.05	Unmapped >12.4 ac	NA	NA	
W_BF_5	0.10	Unmapped >12.4 ac	NA	NA	
W_BF_5	0.15	Unmapped >12.4 ac	NA	NA	
W_BF_5	2.30	Unmapped >12.4 ac	NA	NA	
W_BF_5	16.09	Unmapped >12.4 ac	NA	NA	
W_BF_5	28.13	Unmapped >12.4 ac	NA	NA	
W_BF_6	0.09	Mapped	X-6	2	
W_BF_6	1.52	Mapped	X-6	2	
W_BF_6	13.00	Mapped	X-6	2	
W_NSD_1	0.15	Unmapped >12.4 ac	NA	NA	
W_NSD_1	0.82	Unmapped >12.4 ac	NA	NA	
W_NSD_1	1.12	Unmapped >12.4 ac	NA	NA	
W_NSD_10	0.71	Unmapped >12.4 ac	NA	NA	
W_NSD_7	0.19	Unmapped >12.4 ac	NA	NA	

Wetland Delineation ID <sup>1</sup>	Acreage	Category <sup>2</sup>	State Wetland ID	Wetland Classification	Changes <sup>3</sup>
W_NSD_7	0.97	Unmapped >12.4 ac	NA	NA	
W_NSD_7	2.52	Unmapped >12.4 ac	NA	NA	
W_NSD_9	0.09	Unmapped >12.4 ac	NA	NA	

<sup>1</sup> ID assigned by applicant in draft wetland delineation report.

<sup>2</sup> Includes mapped wetlands and unmapped wetlands with a total area greater than 12.4 acres in size.

<sup>3</sup>Changes include any minor adjustments to features provided by the applicant