

Appendix 25-1

USACE Project-Related Correspondence



215 Greenfield Parkway, Suite 102
Liverpool, NY 13088
TRCcompanies.com

May 25, 2021

Lindsey R. Doktor
US Army Corps of Engineers
Department of the Army
Buffalo District – Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207

Sent via email to Lindsey.R.Doktor@usace.army.mil

**Subject: Riverside Solar, LLC
Towns of Brownville and Lyme, Jefferson County, NY
Preliminary Jurisdictional Determination Request**

Dear Ms. Doktor:

On behalf of Riverside Solar, LLC (Riverside), TRC is submitting this U.S. Army Corps of Engineers (USACE) Preliminary Jurisdictional Determination (PJD) Request for the Riverside Solar, LLC Project (Project), a 100 MW solar facility proposed in the Towns of Brownville and Lyme, Jefferson County, New York (Figure 1 of Attachment D). Should a site visit be needed, TRC would be happy to work with your assigned biologist to schedule the visit at their earliest convenience.

Project Description

The Project will be located within the 1,067-acre Project Area, which consists of primarily agricultural and forested lands, some of which is not required for Project development. Land within the Project Area will be leased or purchased from owners of private property. In order to construct the Project, Riverside is being permitted under Section 94-c of New York State Executive Law (19 NYCRR Part 900) through submittal of a Section 94-c Application to the Office of Renewable Energy Siting (ORES). Application submittal is estimated to be at the end of June 2021.

Preliminary JD Request

The subject area of this PJD request includes the entire 1,067-acre Project Area (Figure 1 of Attachment D). TRC, on behalf of Riverside, identified and delineated 23 wetlands and 9 streams within the Project Area (Figure 4, Attachment D). Approximately 9.76 percent (104.2 acres) of the Project Area is classified as wetland.

Delineation surveys were conducted to identify wetlands and streams within the Project Area. Delineations were performed in accordance with the USACE 1987 Wetlands Delineation Manual (Environmental Laboratory, 1987) and the 2012 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0), as well as the New York State Freshwater Wetlands Delineation Manual.

All wetland and waterbody delineations took place in the summer of 2020. The majority of wetland delineations were conducted via a routine delineation procedure. However, in some disturbed locations, including agricultural settings or logged areas, procedures had to be employed to determine if the area met the definition of a wetland before alteration. This was needed in recognition of the fact that wetland vegetation need not be present always, but rather under normal circumstances. Likewise, artificial alterations to hydrology or soils were taken into account. In such situations, methods were employed for delineations in disturbed areas.

The *Wetland and Stream Delineation Report, Riverside Solar, LLC* (“delineation report”), summarizes the wetland and waterbody resources delineated within the Project Area and is included as Attachment D. The delineation report includes USACE Routine Wetland Delineation Data Forms, a table of delineated wetlands descriptions, stream forms, figures, and photographs of wetland and waterbody resources. The delineation report was provided to the ORES, with a jurisdictional determination response received on May 4, 2021 (Attachment E).

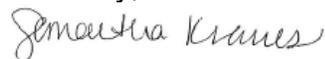
It is TRC’s intent to provide the USACE with the appropriate level of detail needed to make an efficient determination regarding the delineation performed. Please find attached to this letter the following:

- Attachment A: Request for Corps Jurisdictional Determination (JD) Form
- Attachment B: Aquatic Resources Table
- Attachment C: Points of Contact
- Attachment D: Wetland and Stream Delineation Report
- Attachment E: ORES Jurisdictional Determination Response

We intend to follow up this PJD request with a permit application for proposed impacts to wetlands and other Waters of the United States (WOTUS), if deemed necessary, when final design is complete. At that time, we will request a pre-application meeting with you to discuss this Project.

If you have any questions regarding this Project, or our request for a PJD review, please contact me by phone at (315) 362-2415 or by email at SKranes@trccompanies.com.

Sincerely,



Samantha Kranes
TRC - Senior Project Manager

Cc: Brett Hastings, AES
Joshua Baird, AES



Attachment A.

Request for Corps Jurisdictional Determination (JD)
Form

Appendix 1 - REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD)

To: Buffalo District

I am requesting a JD on property located at: Multiple parcels and roads as depicted on Attachment D
(Street Address)

City/Township/Parish: Brownville, Lyme County: Jefferson State: New York

Acreage of Parcel/Review Area for JD: 1.067

Section: _____ Township: _____ Range: _____

Latitude (decimal degrees): 44.069 Longitude (decimal degrees): -76.092

(For linear projects, please include the center point of the proposed alignment.)

Please attach a survey/plat map and vicinity map identifying location and review area for the JD.

I currently own this property. I plan to purchase this property.

I am an agent/consultant acting on behalf of the requestor.

Other (please explain): _____.

Reason for request: (check as many as applicable)

I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all aquatic resources.

I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all jurisdictional aquatic resources under Corps authority.

I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps, and the JD would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.

I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps; this request is accompanied by my permit application and the JD is to be used in the permitting process.

I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is included on the district Section 10 list and/or is subject to the ebb and flow of the tide.

A Corps JD is required in order to obtain my local/state authorization.

I intend to contest jurisdiction over a particular aquatic resource and request the Corps confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.

I believe that the site may be comprised entirely of dry land.

Other: _____

Type of determination being requested:

I am requesting an approved JD.

I am requesting a preliminary JD.

I am requesting a "no permit required" letter as I believe my proposed activity is not regulated.

I am unclear as to which JD I would like to request and require additional information to inform my decision.

By signing below, you are indicating that you have the authority, or are acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the site if needed to perform the JD. Your signature shall be an affirmation that you possess the requisite property rights to request a JD on the subject property.

*Signature: Samantha Kranes

Digitally signed by Samantha Kranes
Date: 2021.05.25 16:45:35 -0400

Date: 05-25-21

Typed or printed name: Samantha Kranes

Company name: TRC

Address: 215 Greenfield Parkway, Suite 102

Liverpool, New York 13088

Daytime phone no.: (315) 362-2415

Email address: SKranes@trccompanies.com

***Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

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 a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.

Attachment B.

Aquatic Resources Table

Waters_Name	State	Cowardin_Code	HGM_Code	Meas_Type	Amount	Units	Waters_Type	NWPR_Determine_Code	Latitude	Longitude	Local_Waterway
W-BF-2	NEW YORK	PEM	DEPRESS	Area	0.17	ACRE	B1WETNONADJ		44.08000000	0.00000000	
W-BF-3	NEW YORK	PEM	DEPRESS	Area	0.14	ACRE	B1WETNONADJ		44.08100000	-76.06670000	
W-BF-5a	NEW YORK	PEM	DEPRESS	Area	44.3	ACRE	B1WETNONADJ		44.07360000	-76.06870000	
W-BF-5b	NEW YORK	PSS	DEPRESS	Area	2.3	ACRE	B1WETNONADJ		44.07360000	-76.06870000	
W-BF-5c	NEW YORK	PUB	DEPRESS	Area	0.25	ACRE	B1WETNONADJ		44.07360000	-76.06870000	
W-BF-6a	NEW YORK	PEM	DEPRESS	Area	1.61	ACRE	B1WETNONADJ		44.06890000	-76.06030000	
W-BF-6b****	NEW YORK	PFO	DEPRESS	Area	13	ACRE	B1WETNONADJ		44.06890000	-76.06030000	
W-BF-7a	NEW YORK	PEM	DEPRESS	Area	1.48	ACRE	B1WETNONADJ		44.06950000	-76.06030000	
W-BF-7b	NEW YORK	PUB	DEPRESS	Area	0.03	ACRE	B1WETNONADJ		44.06950000	-76.06920000	
W-BF-8	NEW YORK	PEM	DEPRESS	Area	0.13	ACRE	B1WETNONADJ		44.06880000	-76.06250000	
W-BF-9	NEW YORK	PEM	DEPRESS	Area	2.51	ACRE	B1WETNONADJ		44.06210000	-76.08840000	
W-BF-10	NEW YORK	PEM	DEPRESS	Area	1.44	ACRE	B1WETNONADJ		44.06170000	-76.08310000	
W-BF-11a	NEW YORK	PEM	DEPRESS	Area	11.81	ACRE	B1WETNONADJ		44.05300000	-76.11960000	
W-BF-11b	NEW YORK	PSS	DEPRESS	Area	0.77	ACRE	B1WETNONADJ		44.05300000	-76.11960000	
W-BF-12	NEW YORK	PSS	DEPRESS	Area	0.46	ACRE	B1WETNONADJ		44.05880000	-76.10010000	
W-JJB-2	NEW YORK	PSS	DEPRESS	Area	1.72	ACRE	B1WETNONADJ		44.05380000	-76.12400000	
W-NSD-1a	NEW YORK	PEM	DEPRESS	Area	1.12	ACRE	A4WETABUT		44.06940000	-76.11470000	
W-NSD-1b	NEW YORK	PFO	DEPRESS	Area	0.82	ACRE	A4WETABUT		44.06940000	-76.11470000	
W-NSD-1c	NEW YORK	PUB	DEPRESS	Area	0.15	ACRE	A4WETFLOOD		44.06940000	-76.11470000	
W-NSD-2	NEW YORK	PEM	DEPRESS	Area	0.03	ACRE	B1WETNONADJ		44.06720000	-76.11450000	
W-NSD-3	NEW YORK	PSS	DEPRESS	Area	8.82	ACRE	B1WETNONADJ		44.06640000	-76.11200000	
W-NSD-4	NEW YORK	PSS	DEPRESS	Area	0.4	ACRE	B1WETNONADJ		44.06260000	-76.11760000	
W-NSD-5a	NEW YORK	PEM	DEPRESS	Area	0.09	ACRE	B1WETNONADJ		44.06070000	-76.11340000	
W-NSD-5b	NEW YORK	PSS	DEPRESS	Area	1.87	ACRE	B1WETNONADJ		44.06070000	-76.11340000	
W-NSD-6	NEW YORK	PSS	DEPRESS	Area	0.3	ACRE	B1WETNONADJ		44.06230000	-76.11300000	
W-NSD-7a	NEW YORK	PEM	DEPRESS	Area	2.71	ACRE	B1WETNONADJ		44.06090000	-76.10500000	
W-NSD-7b	NEW YORK	PSS	DEPRESS	Area	0.98	ACRE	B1WETNONADJ		44.06090000	-76.10500000	
W-NSD-9	NEW YORK	PEM	DEPRESS	Area	0.09	ACRE	B1WETNONADJ		44.06450000	-76.09950000	
W-NSD-10	NEW YORK	PEM	DEPRESS	Area	0.71	ACRE	B1WETNONADJ		44.06630000	-76.09670000	
W-NSD-11	NEW YORK	PEM	DEPRESS	Area	2.47	ACRE	B1WETNONADJ		44.06410000	-76.09280000	
W-NSD-12	NEW YORK	PEM	DEPRESS	Area	0.23	ACRE	B1WETNONADJ		44.06390000	-76.08970000	
W-NSD-13	NEW YORK	PEM	DEPRESS	Area	1.31	ACRE	B1WETNONADJ		44.06390000	-76.08970000	
S-BF-1	NEW YORK	R4	RIVERINE	Linear	151	FOOT	B1SWCNOSC		44.06640000	-76.07130000	
S-BF-2	NEW YORK	R4	RIVERINE	Linear	3272	FOOT	A2TRIBINT		44.06230000	-76.08820000	Unnamed Tributaries to Guffin Creek
S-BF-3	NEW YORK	R4	RIVERINE	Linear	1256	FOOT	B1SWCNOSC		44.05180000	-76.11660000	
S-NSD-1	NEW YORK	R2	RIVERINE	Linear	1542	FOOT	A2TRIBPER		44.06900000	-76.11710000	Horse Creek
S-NSD-2	NEW YORK	R6	RIVERINE	Linear	45	FOOT	B3EPHEMERAL		44.06900000	-76.11430000	
S-NSD-3	NEW YORK	R4	RIVERINE	Linear	582	FOOT	B1SWCNOSC		44.06460000	-76.11500000	
S-NSD-4	NEW YORK	R6	RIVERINE	Linear	607	FOOT	B3EPHEMERAL		44.06640000	-76.09170000	
S-NSD-5	NEW YORK	R4	RIVERINE	Linear	3661	FOOT	A2TRIBINT		44.06650000	-76.08590000	Unnamed Tributaries to Guffin Creek
S-NSD-6	NEW YORK	R4	RIVERINE	Linear	79	FOOT	A2TRIBINT		44.06320000	-76.09280000	

Attachment C.

Points of Contact

Attachment C – Points of Contact

Contact Information

Applicant: Riverside Solar, LLC; 195 Montague Street 14th Floor, Suite 1461, Brooklyn, New York. Email: riversidesolar@aes.com; Contact: Joshua Baird; Telephone: (832) 334-3072.

Applicant Agent/Consultant: Samantha Kranes; TRC; 215 Greenfield Parkway, Suite 102, Liverpool, New York 13088. Telephone: (315) 362-2415; Email: SKranes@trccompanies.com.

Attachment D.

Wetland and Stream Delineation Report

(Uploaded as separate file)

Attachment E.

ORES Jurisdictional Determination Response



**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 ¹	Flow Char./ Stream Type ²	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	

¹ ID assigned by applicant in draft wetland delineation report.

² 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 ¹	Acreage	Category ²	State Wetland ID	Wetland Classification	Changes ³
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 ¹	Acreage	Category ²	State Wetland ID	Wetland Classification	Changes ³
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	

¹ ID assigned by applicant in draft wetland delineation report.

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

³Changes include any minor adjustments to features provided by the applicant

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Request Code: gaxywups3hgd

Filename	Size	SHA-256 Checksum	Description
Riverside_PJD_Request_05-25-21.pdf	1.6 MB	1C9E4C8A30C05B28EF011583A2BD0F0C D4FA38E34F762567EC058FFE8D81F9BB	
Riverside_3.10.2021_COMBINED.pdf	122.1 MB	1B7DF3E8CF70E31641F66008C82A6E80 C2FAC149DC1F9B088818E6D9E8250CD8	

2 files

From:

Samantha Kranes <skranes@trccompanies.com> USARMY on 2021-05-25 23:45 UTC

Comments:

Lindsey,

Thank you for sending the link. Attached please find the PJD for the AES Riverside Solar Project. The Wetland Delineation Report has been uploaded as its own file due to file size.

Thank you and please let me know if you have any questions!

[Security](#) | [About DoD SAFE](#) | [USCA Accessibility](#) | [New Functionality Request](#)

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