Appendix 25-1

USACE Facility-Related Correspondence



July 27, 2021

US Army Corps of Engineers Department of the Army New York District – Regulatory Branch 26 Federal Plaza, New York, NY 10278

Sent via email to CENAN-R-Permit-App@usace.army.mil

Subject: Brookside Solar, LLC

Towns of Burke and Chateaugay, Franklin County, New York

Preliminary Jurisdictional Determination Request

Dear USACE NY District:

On behalf of Brookside Solar, LLC (Brookside Solar), TRC is submitting this U.S. Army Corps of Engineers (USACE) Preliminary Jurisdictional Determination (PJD) Request for the Brookside Solar, LLC Project (Project), a 100-megawatt (MW) solar facility proposed in the Towns of Burke and Chateaugay, Franklin County, New York (Figure 1 of Attachment D)

Project Description

The Project will be located within the 1,280-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. Brookside 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) for construction of the Project. Application submittal is estimated to be towards mid-to-late August 2021.

Preliminary JD Request

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

The subject area of this PJD request includes the entire 1,280-acre Project Area (Figure 1, Attachment D). TRC, on behalf of Brookside, identified and delineated 38 wetlands and

25 streams within the Project Area (Figure 4, Attachment D). Approximately 5.66 percent (72.40 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.

Wetland and waterbody delineations took place in the summer of 2020 and May 2021. Most 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 considered. In such situations, methods were employed for delineations in disturbed areas.

The Wetland and Stream Delineation Report, Brookside Solar, LLC ("delineation report"), summarizes the wetland and waterbody resources delineated within the Project Ara 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 draft jurisdictional determination response received on May 24, 2021 (Attachment E).

We intend is 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.

If you have any questions regarding this Project, or our request for a PJD review, please contact me by phone at (315) 715-1642 or by email at HEffler@trccompanies.com.

Sincerely,

Hayley Effler

TRC - Environmental Permitting 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 loc	ated at:		
		(Street A	Address)	
	City/Township/Parish: Acreage of Parcel/Review Area for J Section: Township:	County:	State:	-
	Acreage of Parcel/Review Area for J	ID:		
	Section: Township:	Range:	- .	
	Latitude (decimal degrees):	Longitude (decima	degrees):	
	(For linear projects, please include the			
•	Please attach a survey/plat map and			or the JD.
•	I currently own this property.	I plan to pu	rchase this property.	
	I am an agent/consultant acting	on behalf of the requesto	or.	
	Other (please explain):			·
•	Reason for request: (check as many			
	I intend to construct/develop a p	roject or perform activitie	es on this parcel which wo	ould be designed to
	avoid all aquatic resources.	uniont ou moufoum antivitie		uld be decimend to
	I intend to construct/develop a pavoid all jurisdictional aquatic resour			dua be designed to
	I intend to construct/develop a p			av require
	authorization from the Corps, and th			
	aquatic resources and as an initial s			3 to junisalicitorial
	I intend to construct/develop a p			av require authorization from
	the Corps; this request is accompan			
	I intend to construct/develop a p			
	included on the district Section 10 lis			
	A Corps JD is required in order			
	I intend to contest jurisdiction or	ver a particular aquatic re	source and request the C	Corps confirm that
	jurisdiction does/does not exist over			-
	I believe that the site may be co	emprised entirely of dry la	ınd.	
	Other:			
•	Type of determination being request			
	I am requesting an approved JD			
	I am requesting a preliminary JE			
	I am requesting a "no permit rec			
	I am unclear as to which JD I we	ould like to request and r	equire additional informat	ion to inform my decision.
D.	cianing below you are indicating that	way baya tha authority	or are esting as the duly s	with arized exect of a
	signing below, you are indicating that rson or entity with such authority, to a			
	e if needed to perform the JD. Your si			
rial	hts to request a JD on '', -, -'		nation that you possess the	le requisite property
rigi	This to request a UD on			
	\mathcal{H}	<u></u>	_	
*Si	ignature:// apage 17		Date:	
•	Typed or printed nan.c.			
	Company name:			
	/ (ddi 000		 -	
	Daytime phone no.:			
	•			
	Email address:			

*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

\// N=	01-1-	Cowardin Code	LICM C-d-	Mana Tura	Amount Units	10/-4 T	NWPR Determine Code Latitude	Lawaituda	1! \\/
Waters_Name W-JJB-1	NEW YORK	PEM PEM	HGM_Code DEPRESS	Meas_Type Area	Amount Units 0.05 ACRE	Waters_Type B1WETNONADJ	NWPR_Determine_Code Latitude 44.929600	Longitude 00 -74.13450000	Local_Waterway
W-JJB-2a	NEW YORK	PEM	DEPRESS	Area	5.46 ACRE	A4WETABUT	44.923400		
W-JJB-2b	NEW YORK	PSS	DEPRESS	Area	4.18 ACRE	A4WETABUT	44.923400		
W-JJB-3	NEW YORK	PEM	DEPRESS	Area	0.33 ACRE	B1WETNONADJ	44.927400		
W-JJB-4	NEW YORK	PEM	DEPRESS	Area	3.02 ACRE	B1WETNONADJ	44.930600		
W-JJB-5	NEW YORK	PSS	DEPRESS	Area	2.66 ACRE	A4WETABUT	44.927300		
W-JJB-6	NEW YORK	PUB	DEPRESS	Area	0.15 ACRE	A4WETABUT	44.924700		
W-JJB-7	NEW YORK	PSS	DEPRESS	Area	0.24 ACRE	B1WETNONADJ	44.928800		
W-JJB-8a	NEW YORK	PSS	DEPRESS	Area	0.2 ACRE	A4WETABUT	44.927000	00 -74.12410000	
W-JJB-8b	NEW YORK	PFO	DEPRESS	Area	1.25 ACRE	A4WETABUT	44.927000	00 -74.12410000	
W-JJB-9	NEW YORK	PEM	DEPRESS	Area	0.04 ACRE	B1WETNONADJ	44.936000	00 -74.12850000	
W-JJB-10	NEW YORK	PEM	DEPRESS	Area	4.98 ACRE	A4WETABUT	44.933400	00 -74.12530000	
W-JJB-11	NEW YORK	PSS	DEPRESS	Area	0.17 ACRE	A4WETABUT	44.918000		
W-JJB-12	NEW YORK	PEM	DEPRESS	Area	1.01 ACRE	B1WETNONADJ	44.915700		
W-JJB-13	NEW YORK	PEM	DEPRESS	Area	0.25 ACRE	A4WETABUT	44.917100		
W-JJB-14a	NEW YORK	PEM	DEPRESS	Area	2.45 ACRE	A4WETABUT	44.919800		
W-JJB-14b	NEW YORK	PSS	DEPRESS	Area	10.16 ACRE	A4WETABUT	44.919800		
W-JJB-15	NEW YORK	PEM	DEPRESS	Area	0.26 ACRE	A4WETABUT	44.917000		
W-JJB-16	NEW YORK	PEM	DEPRESS	Area	0.26 ACRE	B1WETNONADJ	44.916700		
W-JJB-17	NEW YORK	PEM	DEPRESS	Area	5.96 ACRE	A4WETABUT	44.917700		
W-JJB-18	NEW YORK	PEM	DEPRESS	Area	0.06 ACRE	A4WETABUT	44.920200		
W-JJB-19	NEW YORK	PEM	DEPRESS	Area	0.28 ACRE	A4WETABUT	44.922500		
W-JJB-20	NEW YORK NEW YORK	PEM	DEPRESS DEPRESS	Area	0.19 ACRE	A4WETABUT	44.920000		
W-JJB-21		PEM		Area	0.61 ACRE	B1WETNONADJ	44.919500		
W-JJB-22 W-JJB-23	NEW YORK NEW YORK	PEM PSS	DEPRESS DEPRESS	Area Area	0.56 ACRE 1.71 ACRE	B1WETNONADJ A4WETABUT	44.921400 44.922600		
W-JJB-23 W-NSD-1	NEW YORK	PEM	DEPRESS	Area	1.71 ACRE 1.55 ACRE	A4WETABUT	44.920900		
W-NSD-1 W-NSD-2a	NEW YORK	PEM	DEPRESS	Area	0.14 ACRE	A4WETABUT	44.920200		
W-NSD-2b	NEW YORK	PFO	DEPRESS	Area	0.22 ACRE	A4WETABUT	44.920200		
W-NSD-3	NEW YORK	PEM	DEPRESS	Area	4.23 ACRE	A4WETNATSEP	44.923400		
W-NSD-4	NEW YORK	PEM	DEPRESS	Area	0.13 ACRE	B1WETNONADJ	44.925000		
W-NSD-5	NEW YORK	PEM	DEPRESS	Area	0.91 ACRE	B1WETNONADJ	44.935300		
W-NSD-6	NEW YORK	PSS	DEPRESS	Area	0.12 ACRE	B1WETNONADJ	44.915600		
W-WCR-1	NEW YORK	PFO	DEPRESS	Area	2.6 ACRE	A4WETABUT	44.937200		
W-WCR-2	NEW YORK	PFO	DEPRESS	Area	1.67 ACRE	A4WETABUT	44.924900	00 -74.13780000	
W-WCR-3	NEW YORK	PFO	DEPRESS	Area	0.63 ACRE	A4WETABUT	44.935600	00 -74.13810000	
W-WCR-4a	NEW YORK	PEM	DEPRESS	Area	2.08 ACRE	A4WETABUT	44.925100	00 -74.11010000	
W-WCR-4b	NEW YORK	PSS	DEPRESS	Area	1.2 ACRE	A4WETABUT	44.925100	00 -74.11010000	
W-WCR-4c	NEW YORK	PFO	DEPRESS	Area	3.08 ACRE	A4WETABUT	44.925100	00 -74.11010000	
W-WCR-5a	NEW YORK	PEM	DEPRESS	Area	3.73 ACRE	A4WETABUT	44.924500		
W-WCR-5b	NEW YORK	PFO	DEPRESS	Area	0.5 ACRE	A4WETABUT	44.924500		
W-WCR-6	NEW YORK	PEM	DEPRESS	Area	0.21 ACRE	B1WETNONADJ	44.927100		
W-WCR-7	NEW YORK	PFO	DEPRESS	Area	0.47 ACRE	A4WETABUT	44.912600		
W-RDS-2	NEW YORK	PFO	DEPRESS	Area	0.11 ACRE	B1WETNONADJ	44.069000		
W-RDS-3	NEW YORK	PSS	DEPRESS	Area	0.7 ACRE	B1WETNONADJ	44.064600		
S-BBP-1	NEW YORK	R4	RIVERINE	Linear	228 FOOT	A2TRIBINT	44.912600		
S-BBP-3	NEW YORK NEW YORK	R3 R3	RIVERINE	Linear	103 FOOT	A2TRIBPER	44.912500		
S-JJB-1	NEW YORK	R3	RIVERINE	Linear	5471 FOOT	A2TRIBPER	44.922100		
S-JJB-2 S-JJB-4	NEW YORK	R4	RIVERINE RIVERINE	Linear Linear	2780 FOOT 258 FOOT	A2TRIBPER A2TRIBINT	44.916100 44.934400		
S-JJB-5	NEW YORK	R4	RIVERINE	Linear	636 FOOT	A2TRIBINT	44.919200		
S-JJB-6	NEW YORK	R4	RIVERINE	Linear	248 FOOT	A2TRIBINT	44.918100		
S-JJB-7	NEW YORK	R4	RIVERINE	Linear	53 FOOT	A2TRIBINT	44.919800		
S-JJB-8	NEW YORK	R4	RIVERINE	Linear	127 FOOT	A2TRIBINT	44.919400		
S-JJB-9	NEW YORK	R4	RIVERINE	Linear	265 FOOT	A2TRIBINT	44.915300		
S-JJB-11	NEW YORK	R3	RIVERINE	Linear	1235 FOOT	A2TRIBPER	44.919400		
S-JJB-12	NEW YORK	R3	RIVERINE	Linear	501 FOOT	A2TRIBPER	44.917800		
S-JJB-13	NEW YORK	R3	RIVERINE	Linear	85 FOOT	A2TRIBPER	44.918300		
S-JJB-14	NEW YORK	R3	RIVERINE	Linear	1535 FOOT	A2TRIBPER	44.920000		
S-JJB-16	NEW YORK	R4	RIVERINE	Linear	909 FOOT	A2TRIBINT	44.921400	00 -74.12370000	
S-JJB-17	NEW YORK	R4	RIVERINE	Linear	1636 FOOT	A2TRIBINT	44.919600		
S-NSD-1	NEW YORK	R4	RIVERINE	Linear	399 FOOT	A2TRIBINT	44.936700		
S-WCR-1	NEW YORK	R6	RIVERINE	Linear	1467 FOOT	B3EPHEMERAL	44.934600		
S-WCR-2	NEW YORK	R4	RIVERINE	Linear	3110 FOOT	A2TRIBINT	44.935100		
S-WCR-4	NEW YORK	R6	RIVERINE	Linear	1764 FOOT	B3EPHEMERAL	44.928900		
S-WCR-6	NEW YORK	R6	RIVERINE	Linear	1,927 FOOT	B3EPHEMERAL	44.930300		
S-WCR-7	NEW YORK	R4	RIVERINE	Linear	132 FOOT	A2TRIBINT	44.918300		
S-WCR-8	NEW YORK	R6	RIVERINE	Linear	770 FOOT	B3EPHEMERAL	44.915600		
S-WCR-9	NEW YORK	R4	RIVERINE	Linear	625 FOOT	A2TRIBINT	44.919200		
S-WCR-10	NEW YORK	R4	RIVERINE	Linear	373 FOOT	A2TRIBINT	44.922200	00 -74.12690000	

Attachment C.

Points of Contact

Attachment C – Points of Contact

Contact Information

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

Attachment D.

Wetland and Stream Delineation Report

(Uploaded as separate file)

Attachment E. ORES Jurisdictional Determination Response



Brookside Solar Project Towns of Burke and Chateaugay, Franklin County

Wetlands Jurisdictional Determination July 27, 2021

Pursuant to § 900-1.3(e)(2), Brookside Solar, LLC provided a draft wetlands delineation report entitled "Wetland and Stream Delineation Report - Brookside Solar Project" and dated July 2021, as well as associated photographs received July 11, 2021 and GIS shapefiles received June 10, 2021 for the proposed Brookside Solar Project located in the Towns of Burke and Chateaugay, Franklin 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 specific jurisdictional determinations for state-regulated wetlands identified in the draft wetland delineation report and shapefiles in Attachment A. 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	Acreage	Category ²	State	Wetland	Changes ³
Delineation ID ¹			Wetland ID	Classification	
W_JJB_14	0.90	Unmapped >12.4 ac	NA	NA	
W_JJB_14	0.59	Unmapped >12.4 ac	NA	NA	
W_JJB_14	1.86	Unmapped >12.4 ac	NA	NA	
W_JJB_14	2.94	Unmapped >12.4 ac	NA	NA	
W_JJB_14	6.32	Unmapped >12.4 ac	NA	NA	
W_JJB_2	5.46	Unmapped >12.4 ac	NA	NA	
W_JJB_2	4.18	Unmapped >12.4 ac	NA	NA	
W_JJB_22	0.56	Unmapped >12.4 ac	NA	NA	
W_JJB_23	1.70	Unmapped >12.4 ac	NA	NA	
W_NSD_3	1.50	Unmapped >12.4 ac	NA	NA	
W_NSD_3	2.73	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.

 $^{^{3}\}mbox{Changes}$ include any minor adjustments to features provided by the applicant



Brookside Solar Project Towns of Burke and Chateaugay, Franklin County

Surface Waters Jurisdictional Determination July 27, 2021

Pursuant to § 900-1.3(f)(2), Brookside Solar, LLC provided a draft surface waters delineation report entitled "Wetland and Stream Delineation Report - Brookside Solar Project" dated July 2021, as well as associated photographs received July 11, 2021 and GIS shapefiles received June 10, 2021 for the proposed Brookside Solar Project located in the Towns of Burke and Chateaugay, Franklin 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 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, in any.
S_JJB_11	Perennial	Kane Brook	C(T)	SLC-21-1-3A	Yes	No	1	
S_JJB_12	Perennial	Kane Brook	C(T)	SLC-21-1-3A	Yes	No	1	
S_JJB_14	Perennial	Kane Brook	C(T)	SLC-21-1-3A	Yes	No	1	
S_JJB_2	Perennial	Allen Brook	C(T)	SLC-21-1	Yes	Yes	>1	
S_JJB_2	Perennial	Allen Brook	C(T)	SLC-21-1	Yes	Yes	>1	
S_JJB_2	Perennial	Allen Brook	C(T)	SLC-21-1	Yes	Yes	>1	
S_JJB_2	Perennial	Allen Brook	C(T)	SLC-21-1	Yes	Yes	>1	
S_JJB_2	Perennial	Allen Brook	C(T)	SLC-21-1	Yes	Yes	>1	
S_JJB_2	Perennial	Allen Brook	C(T)	SLC-21-1	Yes	Yes	>1	
S_WCR_2	Intermittent	Unnamed tributary of Allen Brook	C(T)	SLC-21-1-1	Yes	No	1	
S_WCR_2	Intermittent	Unnamed tributary of Allen Brook	C(T)	SLC-21-1-1	Yes	No	1	
S_WCR_2	Intermittent	Unnamed tributary of Allen Brook	C(T)	SLC-21-1-1	Yes	No	1	

¹ ID assigned by applicant in draft wetland delineation report.

² Perennial, intermittent, ephemeral.

Email correspondence with USACE (November 12, 2021- January 5, 2022)

From: DeJohn, Nick

To: Loftfield, Roy V CIV USARMY CENAN (USA)

Cc: Snow, Ryan; Effler, Hayley

Subject: RE: [EXTERNAL] RE: AES Brookside Solar Date: Wednesday, January 5, 2022 1:06:37 PM

Attachments: <u>image001.png</u>

Hi Roy,

Hope all is well. I just wanted to follow up with you regarding the status of the Brookside PJD/AJD and ask again if there is anything else you need from us in this process.

Thank you, Nick

Nick DeJohn

Environmental Scientist



215 Greenfield Parkway, Suite 102, Liverpool, NY 13088 C 518.649.0711| F 518.348.1194

<u>LinkedIn</u> | <u>Twitter</u> | <u>Blog</u> | <u>TRCcompanies.com</u>

From: DeJohn, Nick

Sent: Monday, December 20, 2021 11:56 AM

To: Loftfield, Roy V CIV USARMY CENAN (USA) <Roy.V.Loftfield@usace.army.mil>

Cc: Snow, Ryan <RSnow@trccompanies.com>; Effler, Hayley <HEffler@trccompanies.com>

Subject: RE: [EXTERNAL] RE: AES Brookside Solar

Hi Roy,

After some internal discussions regarding the Brookside PJD, TRC would like to request a separate AJD for wetlands W-JJB-1 and W-JJB-5 as we believe these wetlands to be "isolated" and non-jurisdictional under the current regulations. The remaining features can still be included in a PJD. Please see the attached Rapanos Waters Upload excel file which I have updated accordingly.

As always, please reach out if you have any questions.

Thank you, Nick

Nick DeJohn

Environmental Scientist



215 Greenfield Parkway, Suite 102, Liverpool, NY 13088 C 518.649.0711| F 518.348.1194

<u>LinkedIn</u> | <u>Twitter</u> | <u>Blog</u> | <u>TRCcompanies.com</u>

From: DeJohn, Nick

Sent: Wednesday, December 1, 2021 9:40 AM

To: Loftfield, Roy V CIV USARMY CENAN (USA) < Roy. V.Loftfield@usace.army.mil >

Cc: Snow, Ryan < RSnow@trccompanies.com >; Effler, Hayley < HEffler@trccompanies.com >

Subject: RE: [EXTERNAL] RE: AES Brookside Solar

Hi Roy,

I have attached our final revised map showing the changes to wetland W-JJB-1 on pages 1 & 2, as well as the waters upload spreadsheet needed for the PJD. Please let me know if you need anything else.

Thank you, Nick

Nick DeJohn

Environmental Scientist



215 Greenfield Parkway, Suite 102, Liverpool, NY 13088 C 518.649.0711 | $\bf F$ 518.348.1194

LinkedIn | Twitter | Blog | TRCcompanies.com

From: Loftfield, Roy V CIV USARMY CENAN (USA) < Roy. V.Loftfield@usace.army.mil >

Sent: Monday, November 22, 2021 9:58 AM **To:** DeJohn, Nick < <u>NDeJohn@trccompanies.com</u>>

Cc: Snow, Ryan <<u>RSnow@trccompanies.com</u>>; Effler, Hayley <<u>HEffler@trccompanies.com</u>>

Subject: [EXTERNAL] RE: AES Brookside Solar

This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

Nick

The edit looks good. Only error I see in the revision is that page 2 was not updated. But I suspect that will be corrected when the full report is completed.

Roy V. Loftfield Physical Scientist Army Corps of Engineers Upstate New York Regulatory Field Office Permitting, Enforcement and Compliance

(518) 266 - 6363 Office (518) 578 - 1356 Mobile **From:** DeJohn, Nick < <u>NDeJohn@trccompanies.com</u>>

Sent: Monday, November 22, 2021 9:48 AM

To: Loftfield, Roy V CIV USARMY CENAN (USA) < Roy. V.Loftfield@usace.army.mil >

Cc: Snow, Ryan < RSnow@trccompanies.com >; Effler, Hayley < HEffler@trccompanies.com >

Subject: [Non-DoD Source] RE: AES Brookside Solar

Hi Roy,

I just wanted to check in and see if this revision looks sufficient based on what we observed in the field/what you were seeing on the aerial. We will need to update our wetland delineation report but are waiting for your confirmation on this edit before we do so.

Thank you, Nick

Nick DeJohn

Environmental Scientist



215 Greenfield Parkway, Suite 102, Liverpool, NY 13088 **C** 518.649.0711| **F** 518.348.1194
LinkedIn | Twitter | Blog | TRCcompanies.com

From: DeJohn, Nick

Sent: Wednesday, November 17, 2021 9:58 AM

To: 'Loftfield, Roy V CIV USARMY CENAN (USA)' < Roy.V.Loftfield@usace.army.mil>

Cc: Snow, Ryan <<u>RSnow@trccompanies.com</u>>; Effler, Hayley <<u>HEffler@trccompanies.com</u>>

Subject: RE: AES Brookside Solar

Hi Roy,

Please see the attached PDF for the updated delineation map. The change to wetland W-JJB-1 is shown on sheet 1. We added approximately 0.75 acres to this wetland. Please let me know if you need anything else.

Thank you, Nick

Nick DeJohn

Environmental Scientist



215 Greenfield Parkway, Suite 102, Liverpool, NY 13088 ${\bf C}$ 518.649.0711| ${\bf F}$ 518.348.1194

<u>LinkedIn</u> | <u>Twitter</u> | <u>Blog</u> | <u>TRCcompanies.com</u>

From: DeJohn, Nick

Sent: Friday, November 12, 2021 9:33 AM

To: Loftfield, Roy V CIV USARMY CENAN (USA) < Roy. V.Loftfield@usace.army.mil >

Cc: Snow, Ryan <<u>RSnow@trccompanies.com</u>>; Effler, Hayley <<u>HEffler@trccompanies.com</u>>

Subject: AES Brookside Solar

Hi Roy,

Thank you again for meeting Ryan and I at Brookside Solar the other day. I just wanted to follow up and let you know that we revisited the area near wetland W-JJB-1 and completed a set of a wetland data forms, confirming that the low-lying area meets the criteria for a wetland so we extended wetland W-JJB-1 a ways throughout that field. I've attached the new set of data forms, and we will send you a revised map as soon as we can. Please let us know what the next steps are, and reach out if you need anything else moving forward.

Thank you, Nick

Nick DeJohn

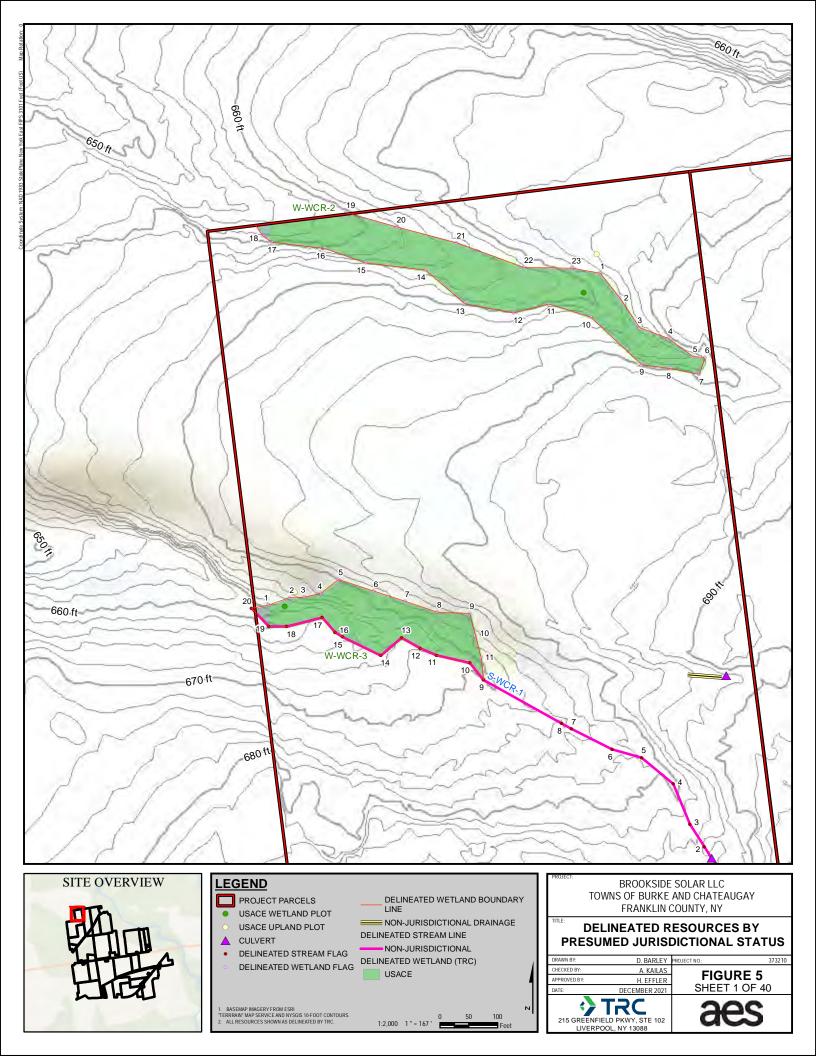
Environmental Scientist

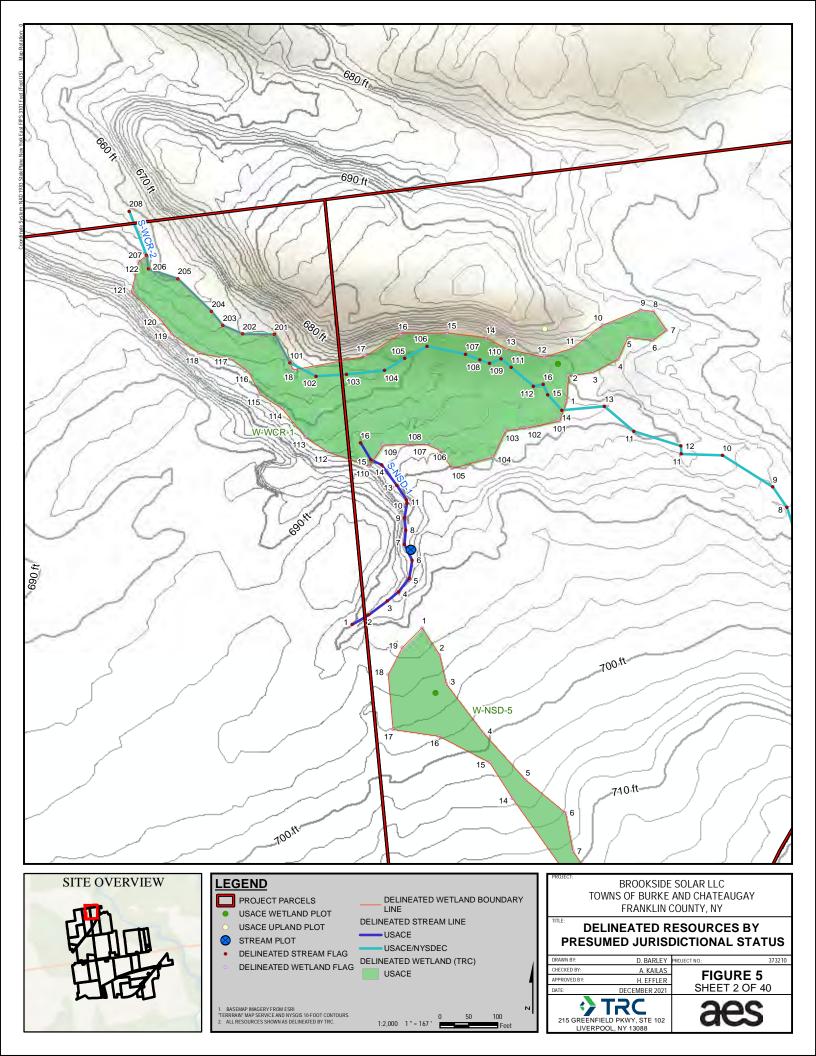


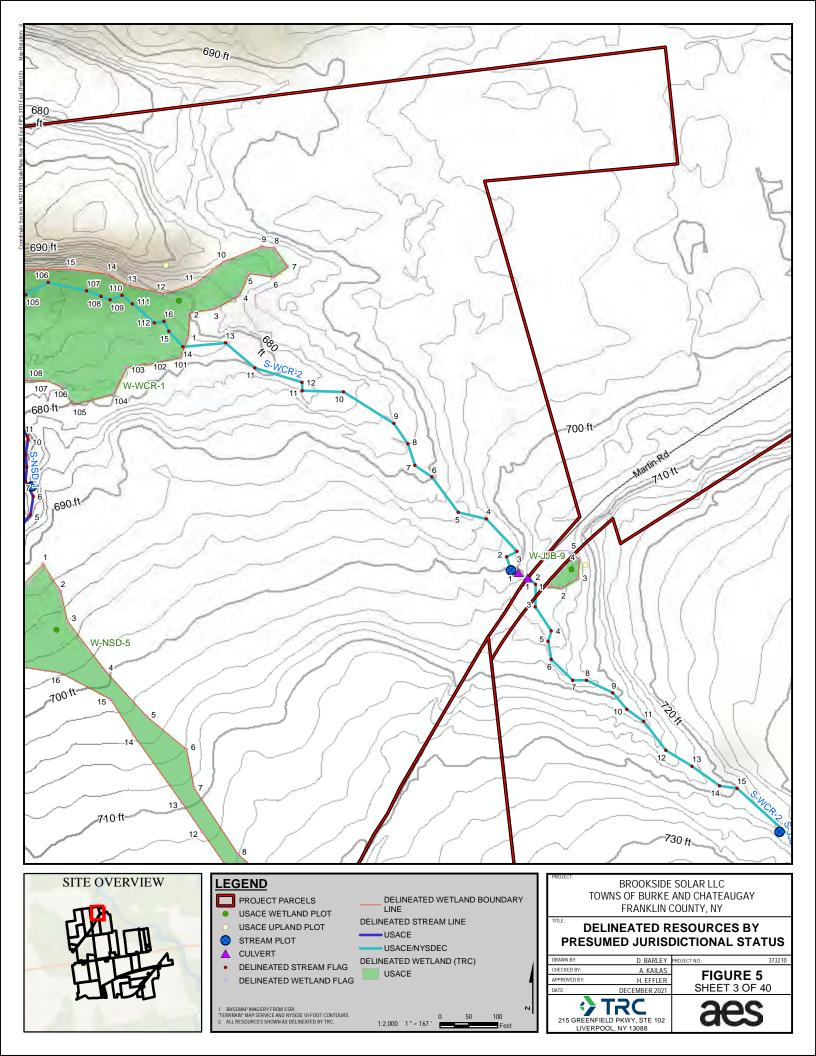
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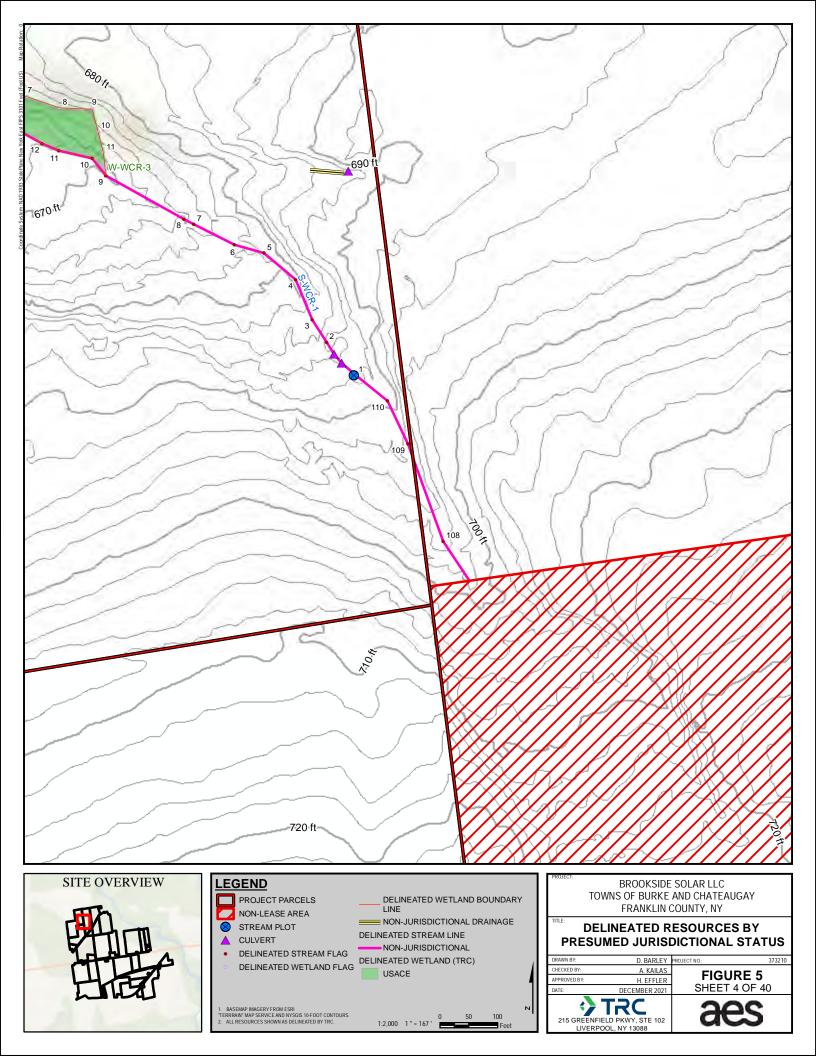
<u>LinkedIn</u> | <u>Twitter</u> | <u>Blog</u> | <u>TRCcompanies.com</u>

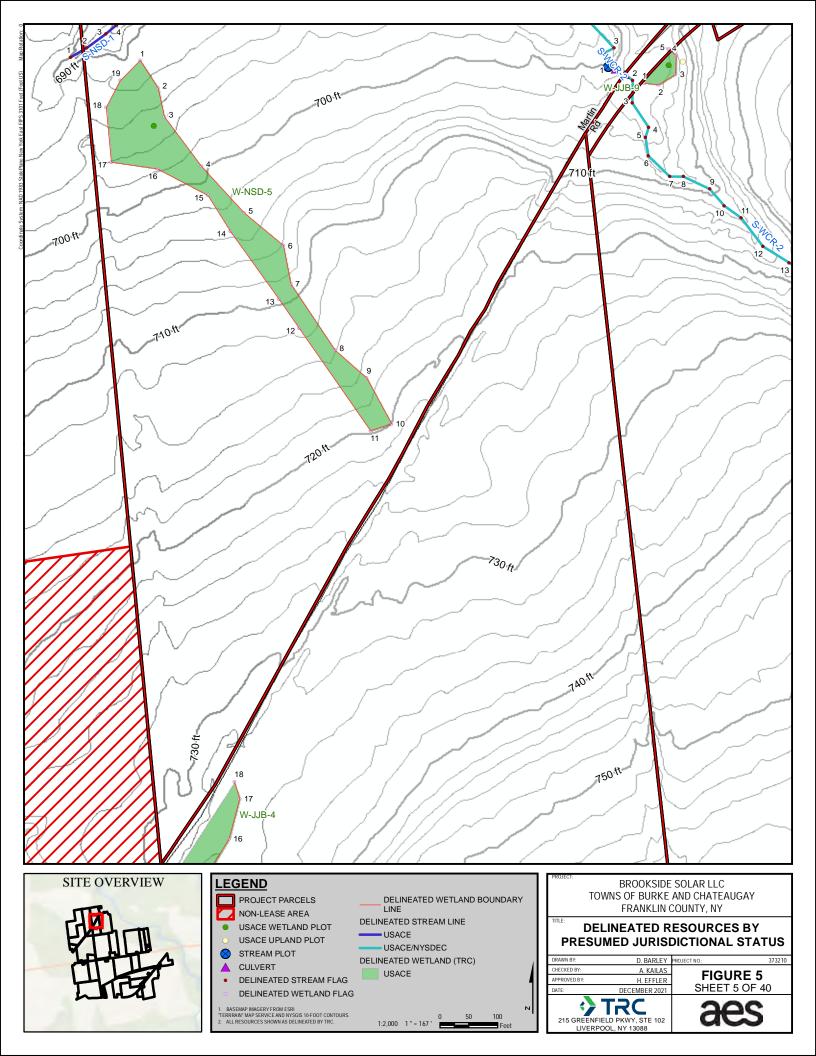
Updated Figure 5 submitted to USACE via email on (November 17, 2021)

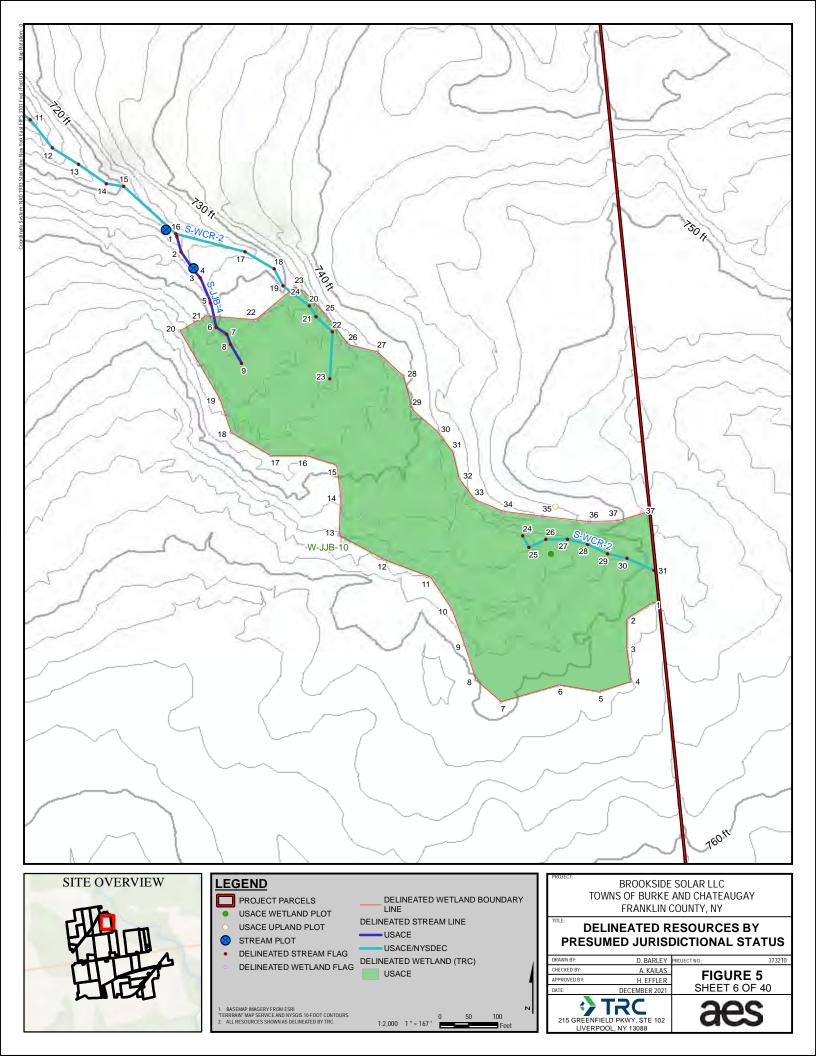


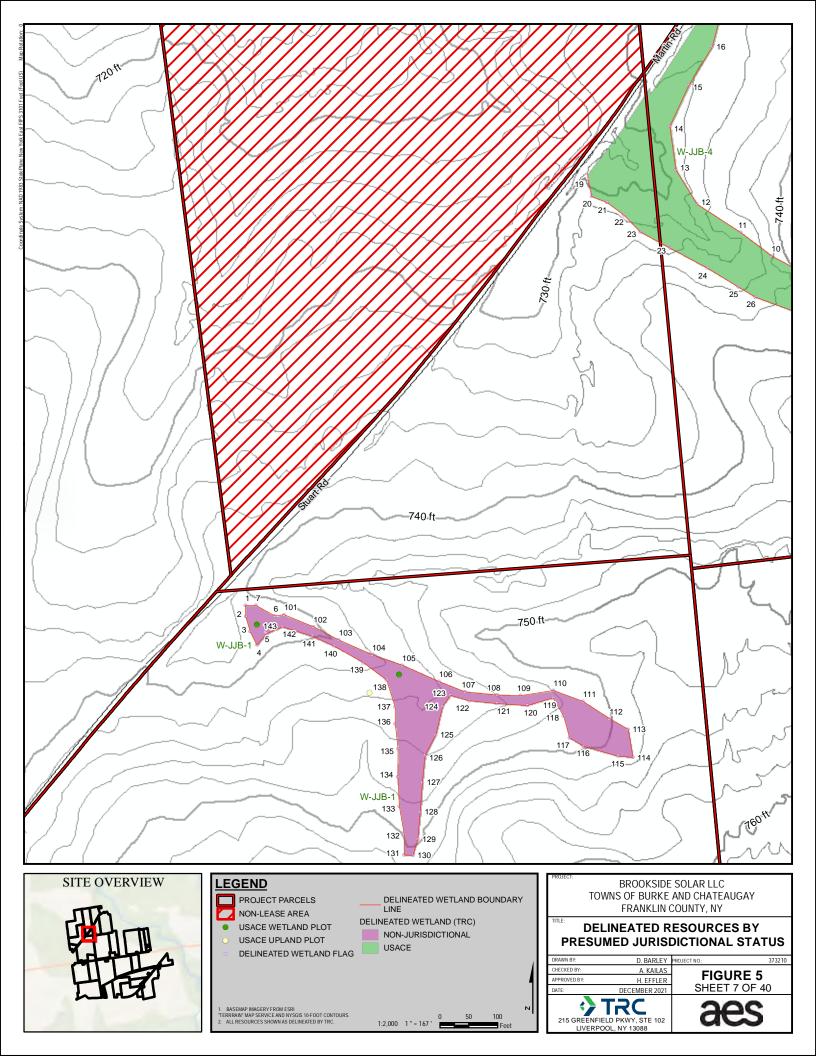


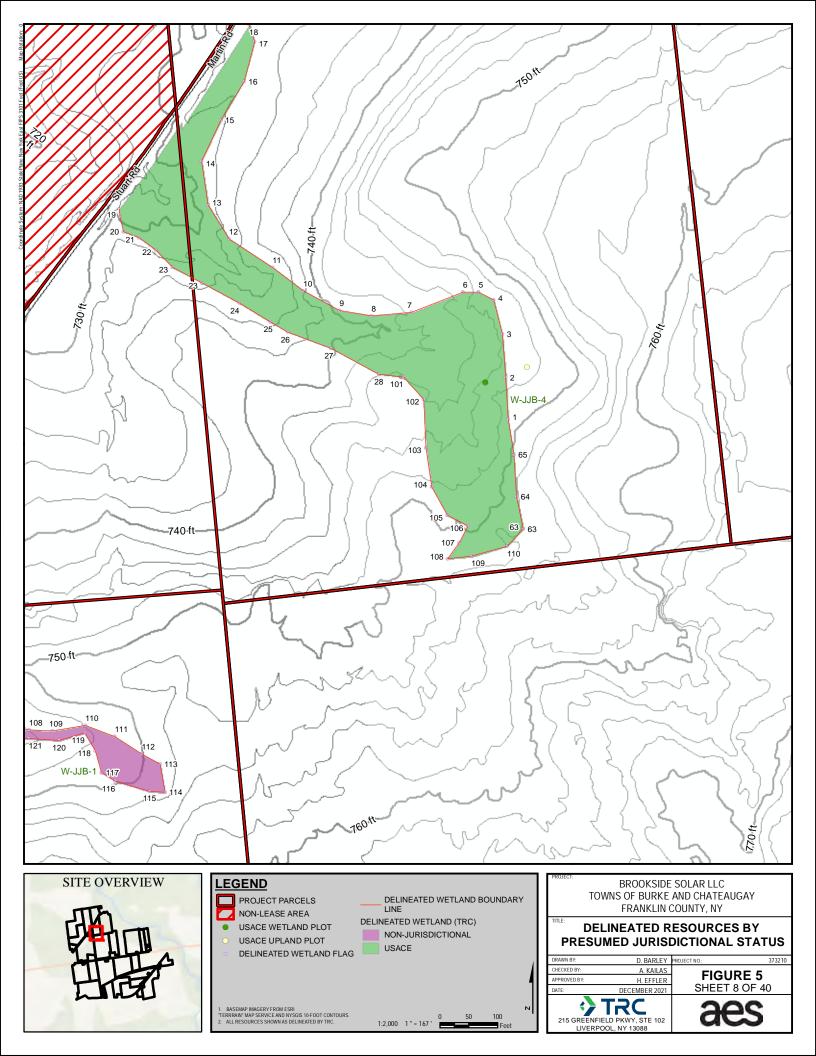


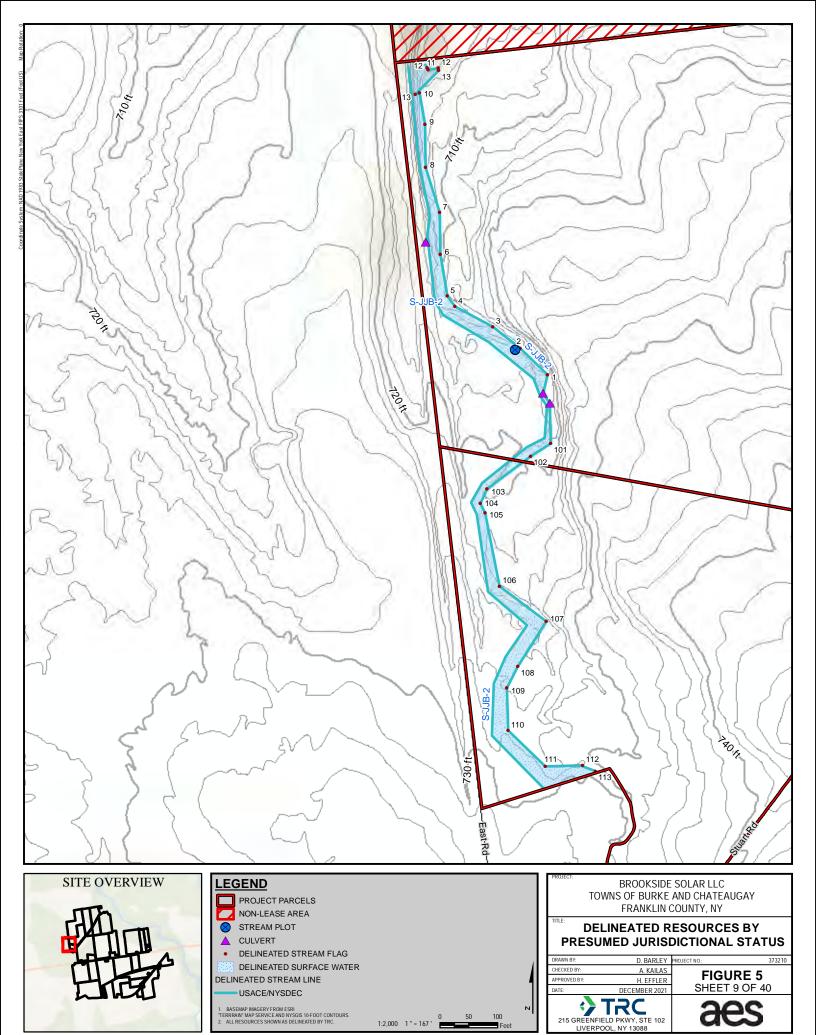


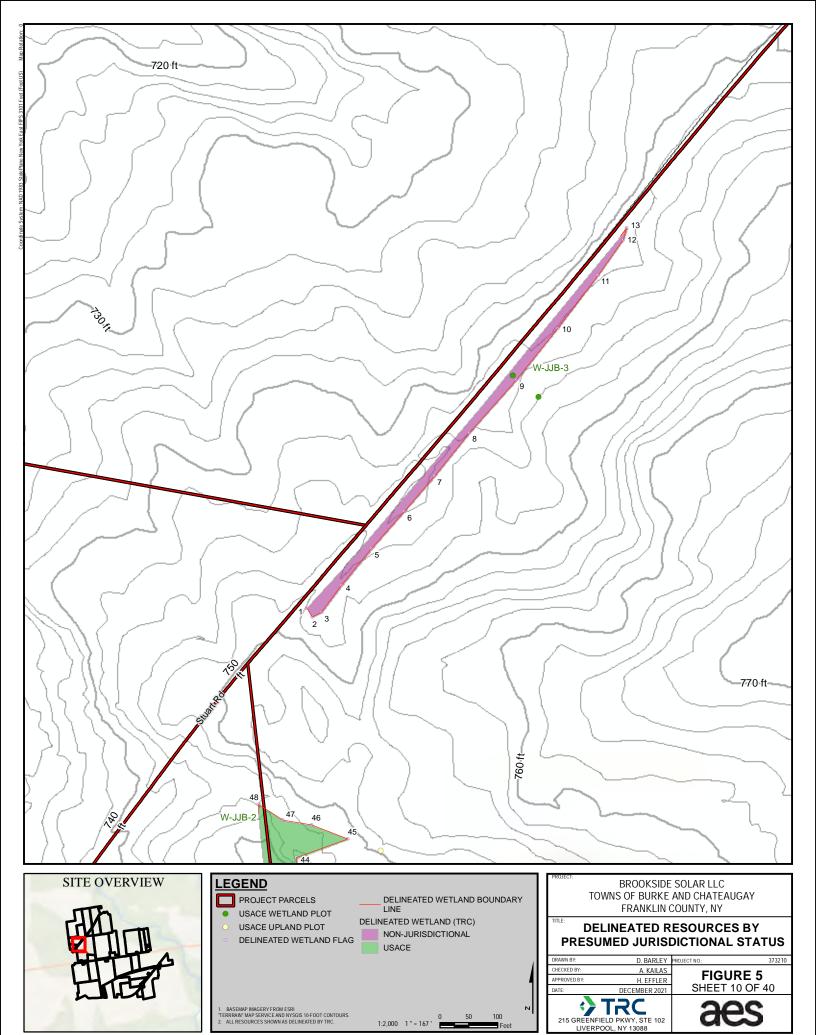


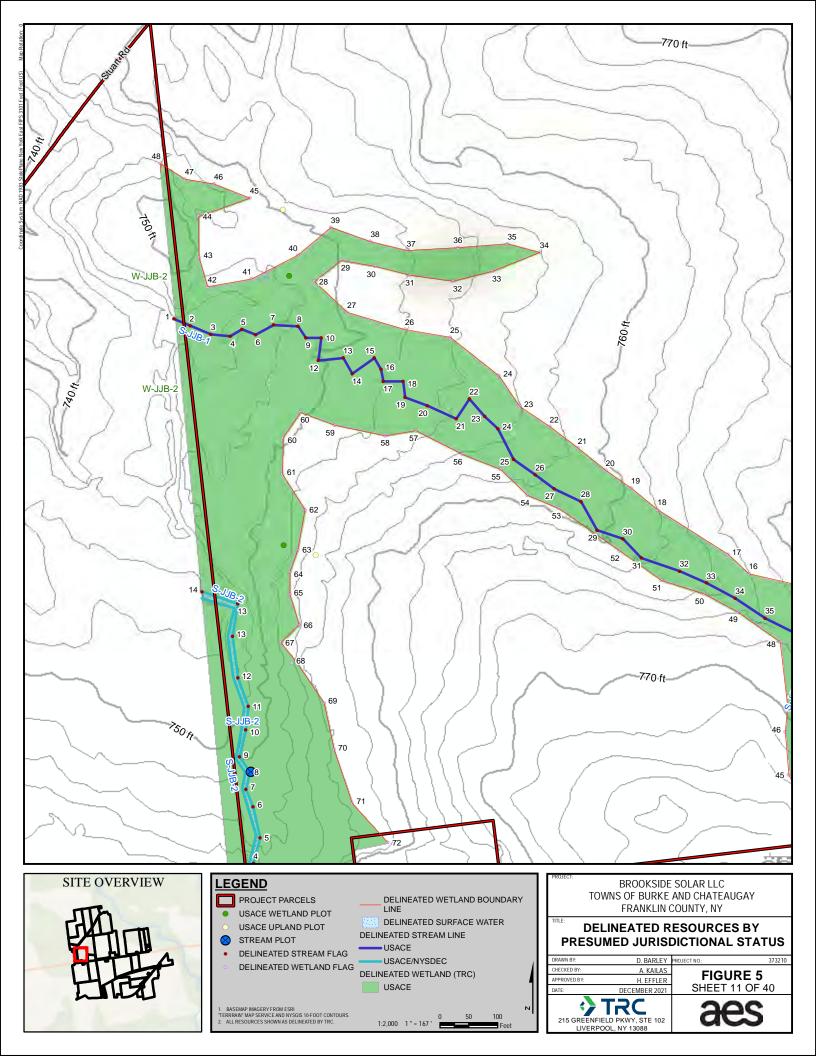


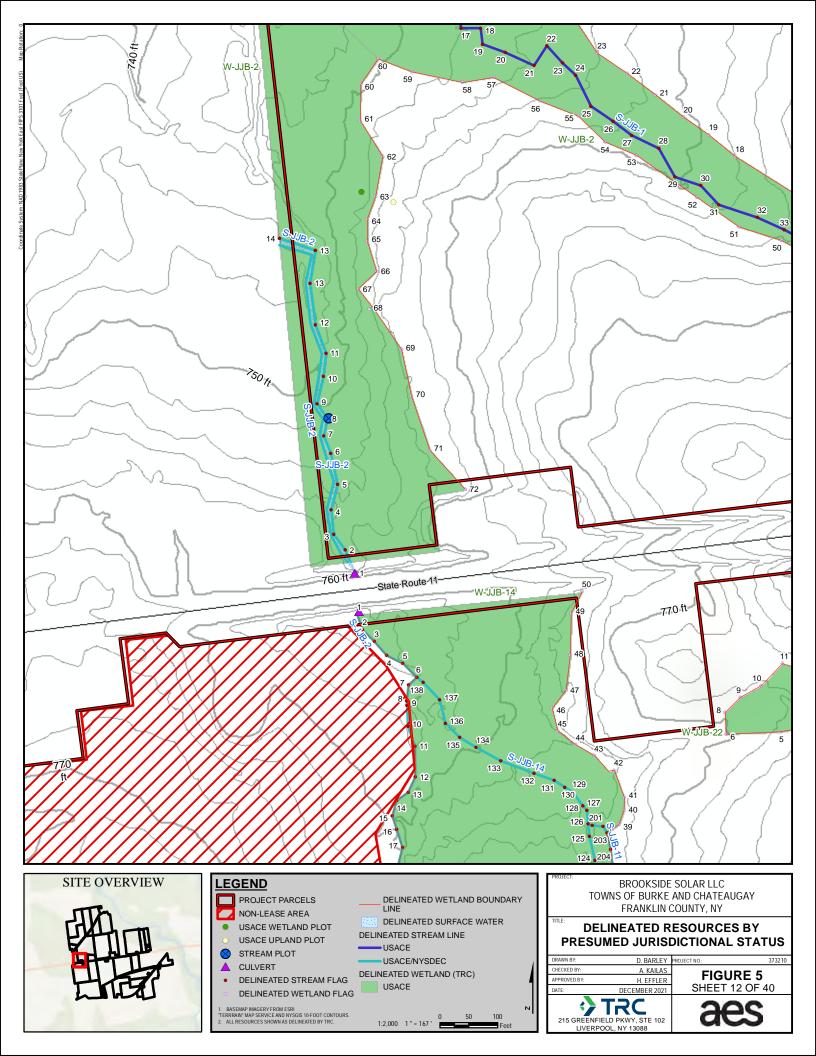


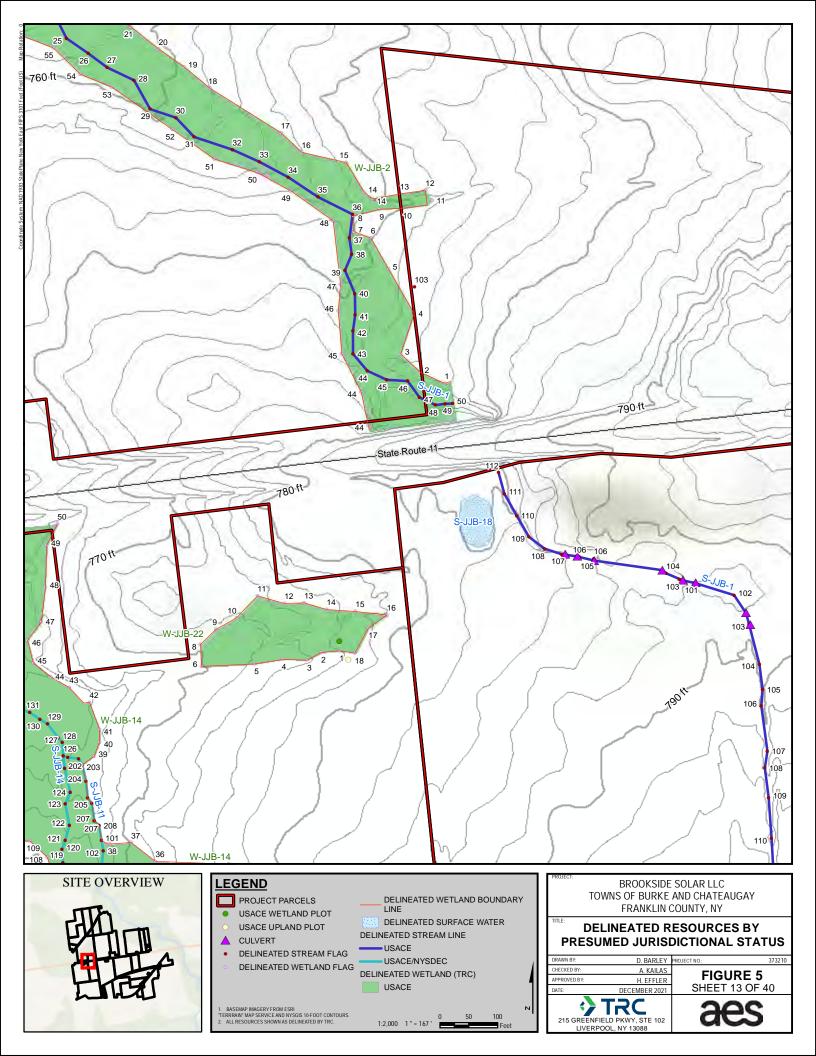


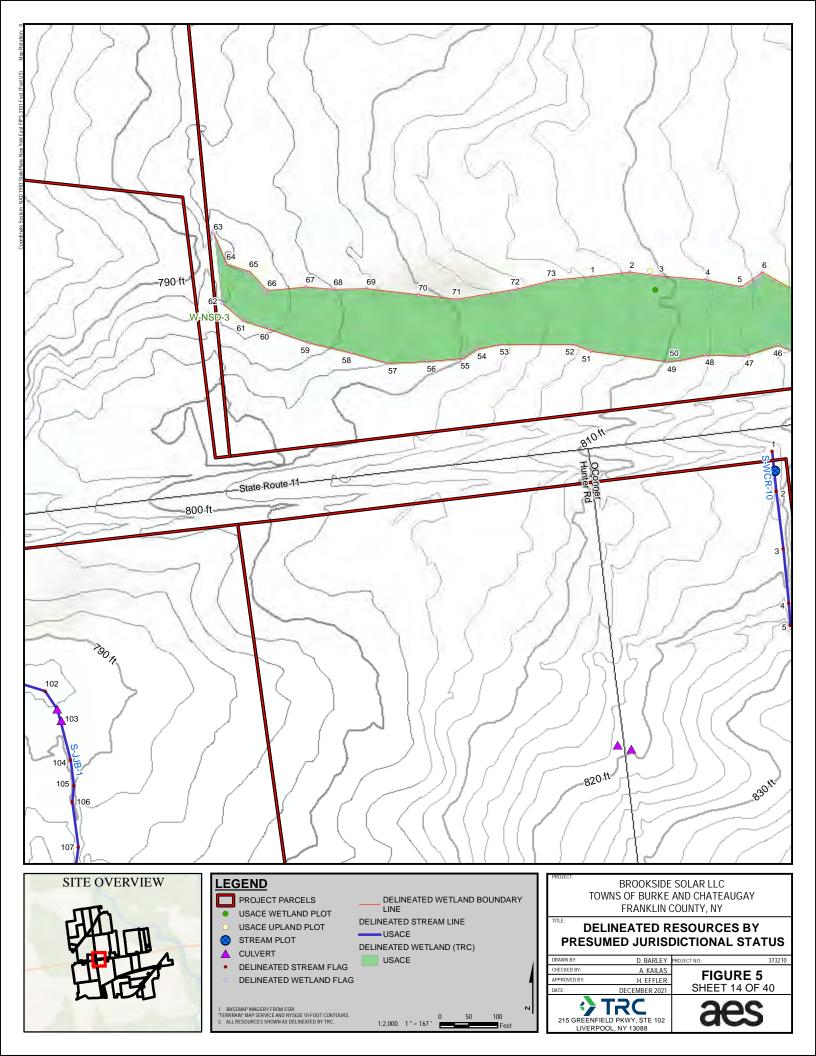


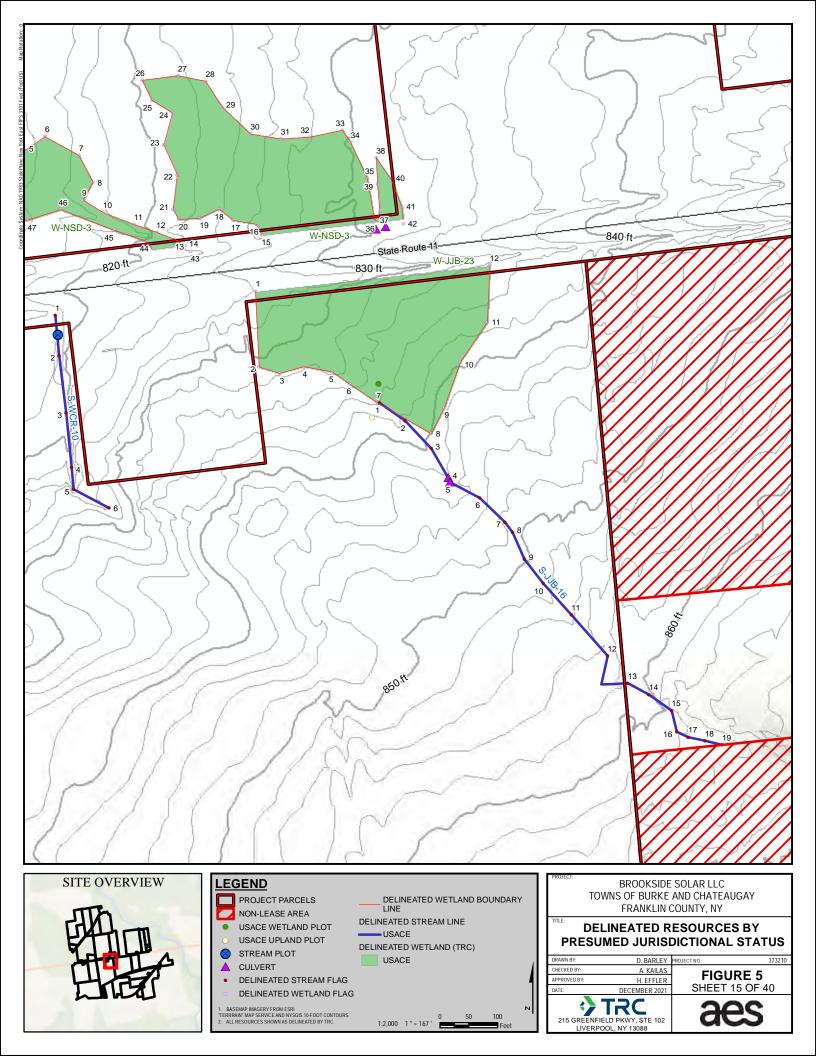


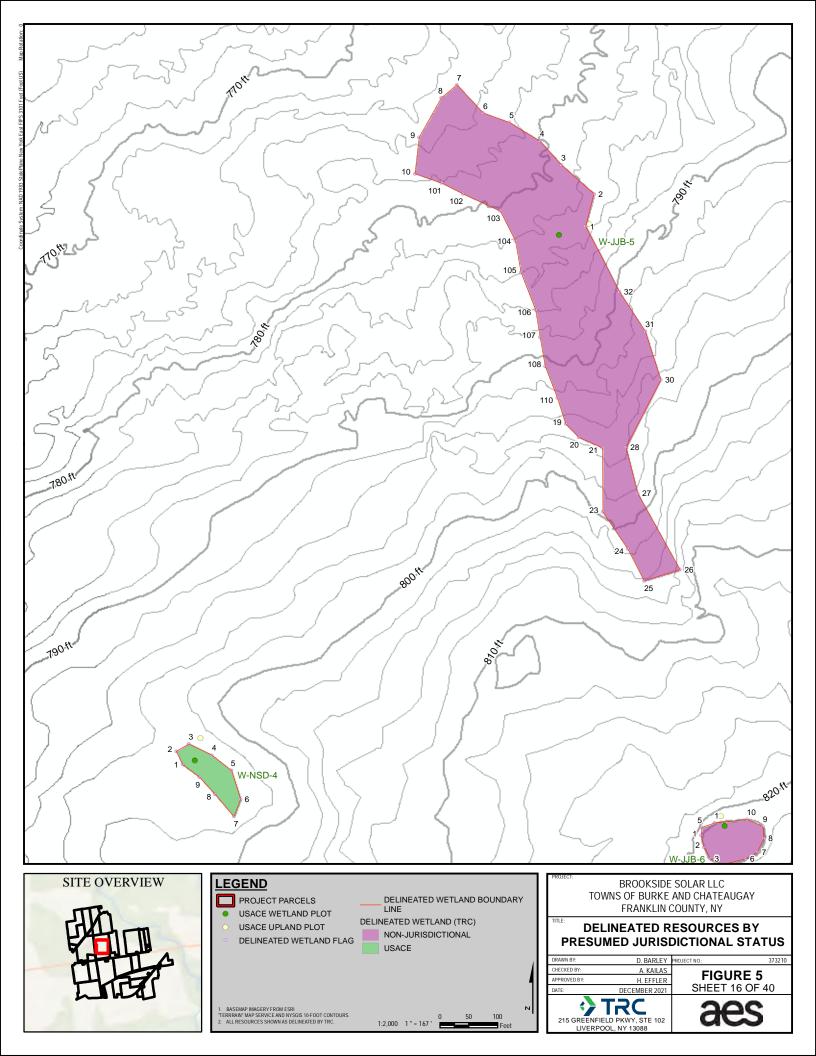


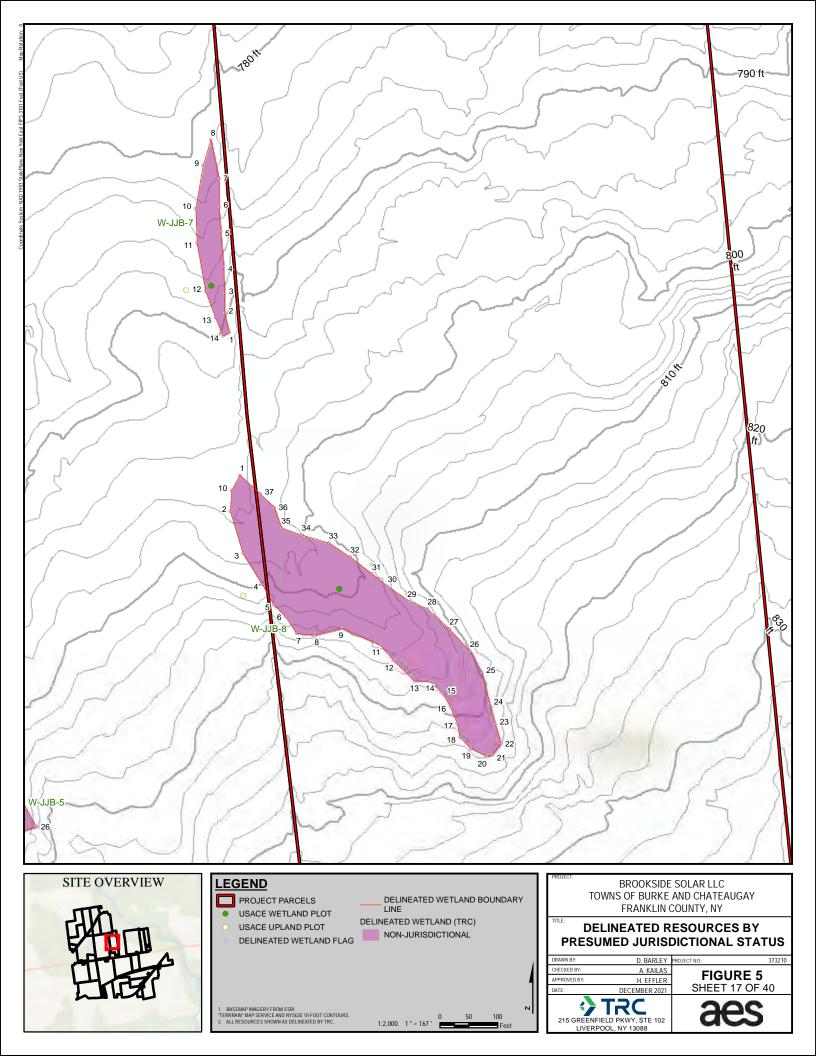


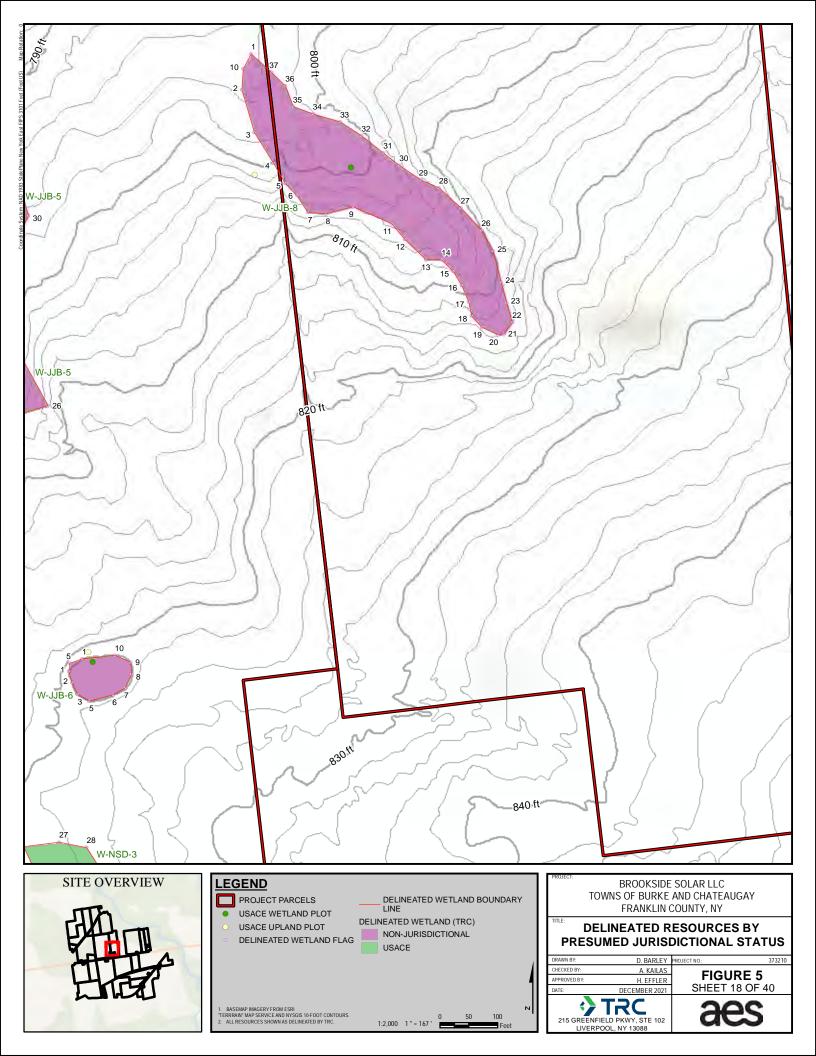


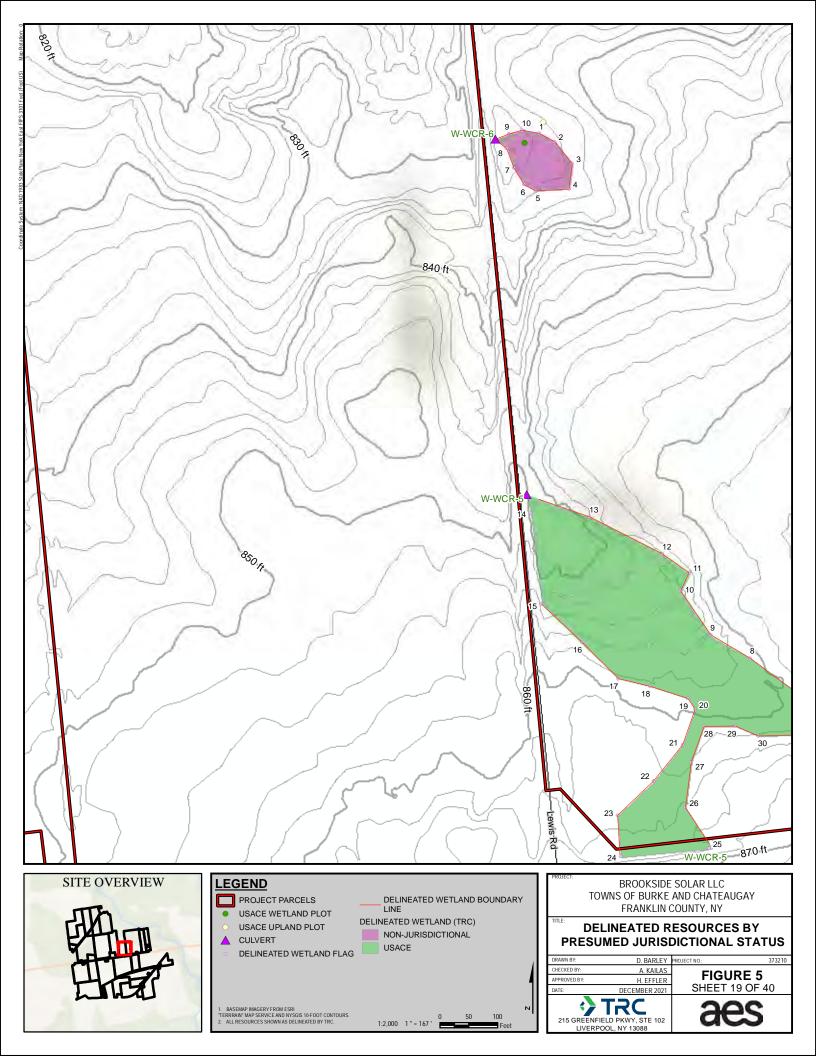


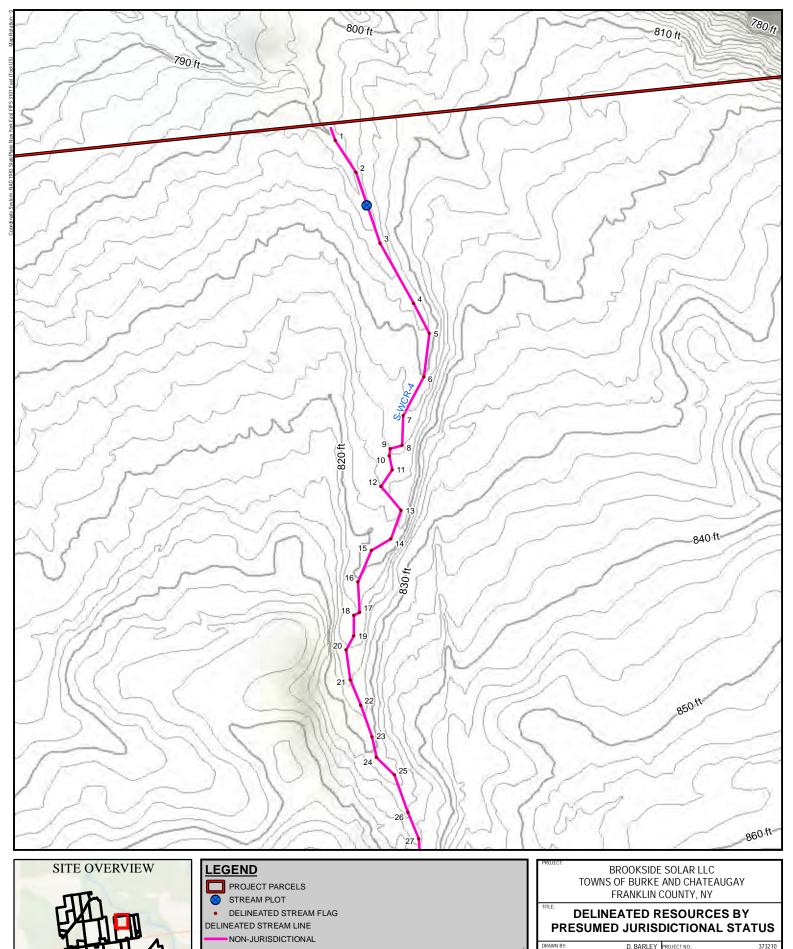




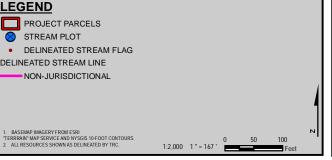








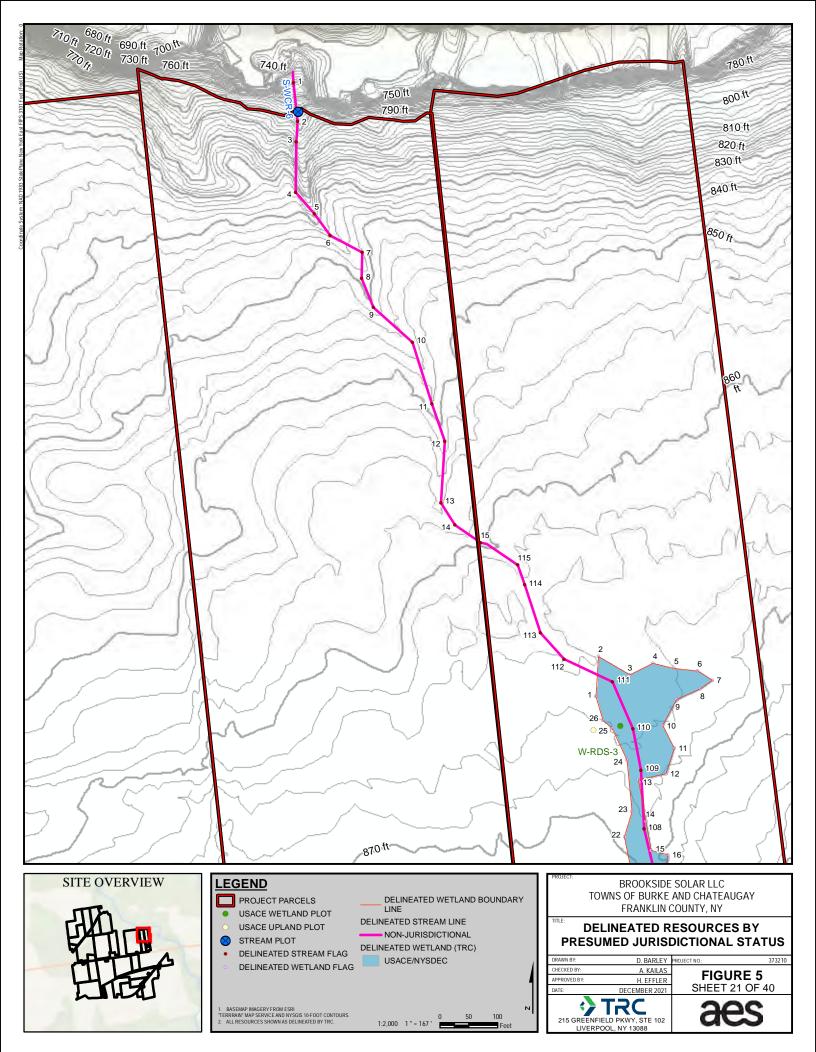


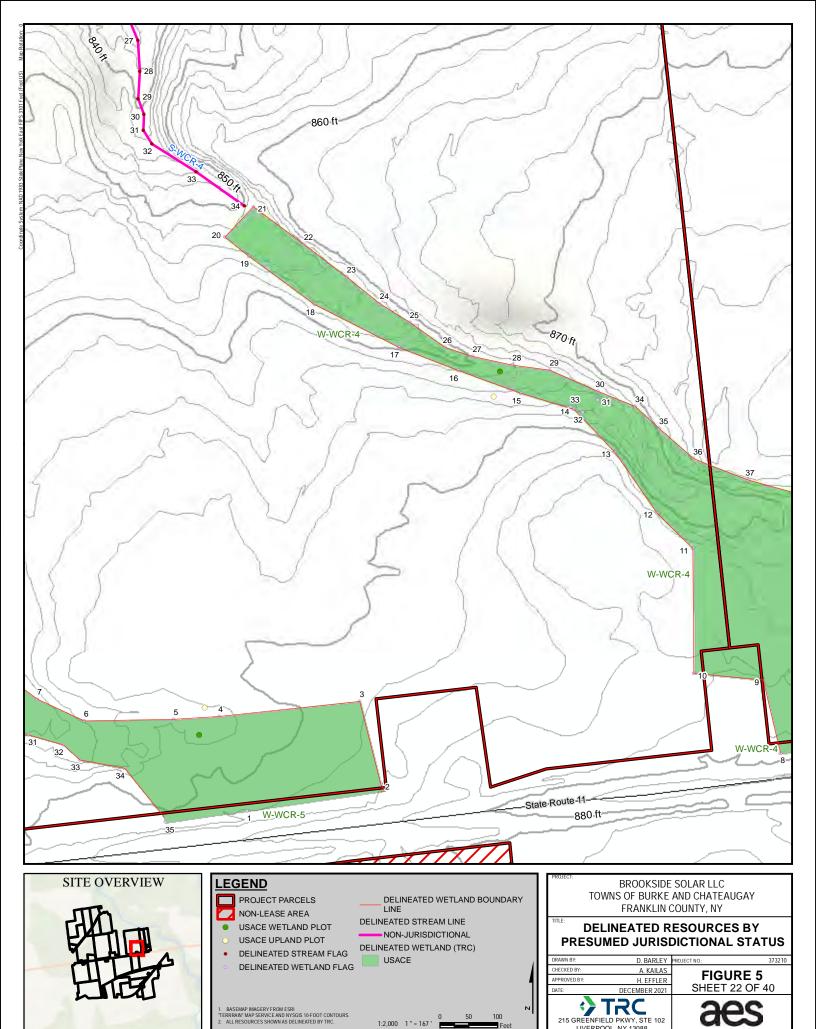


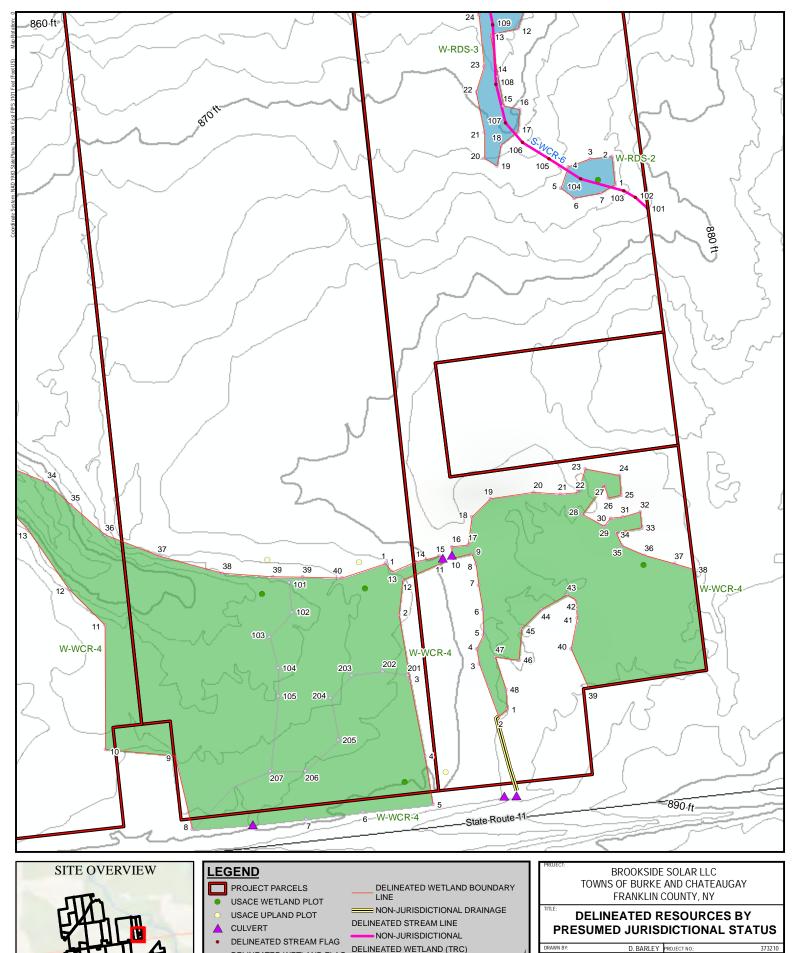
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FIGURE 5 SHEET 20 OF 40

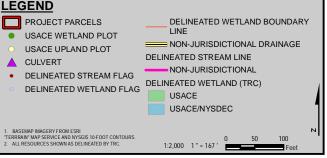






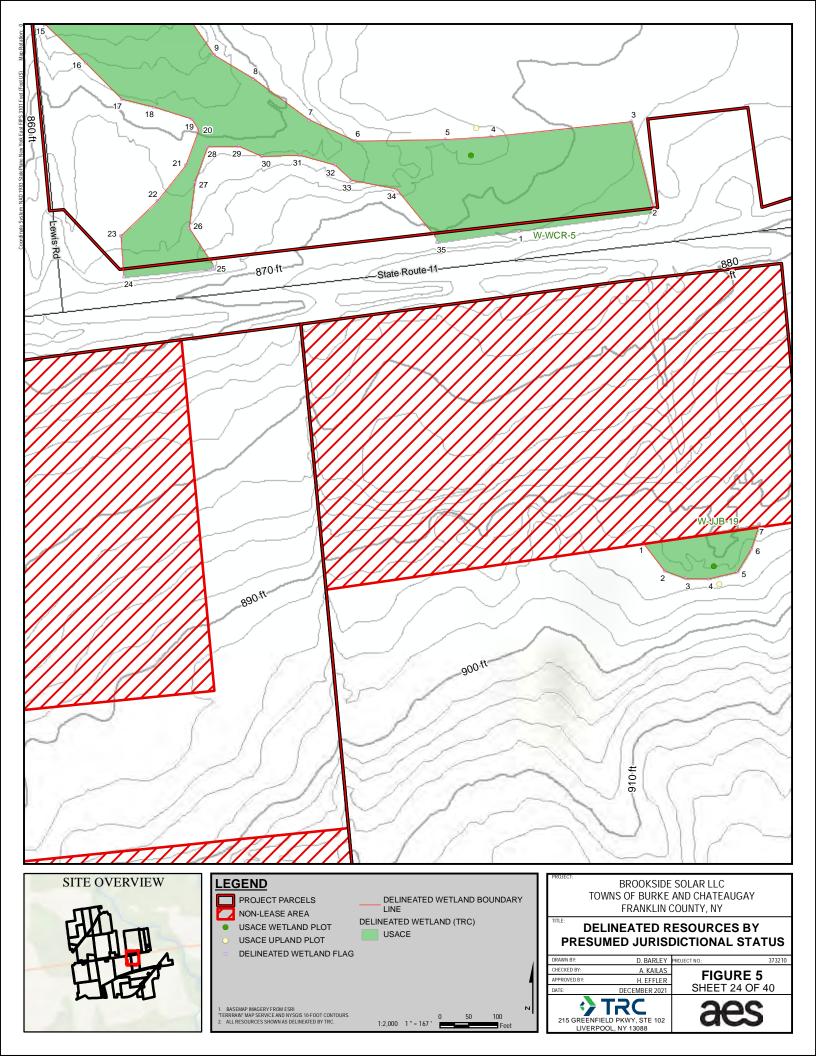


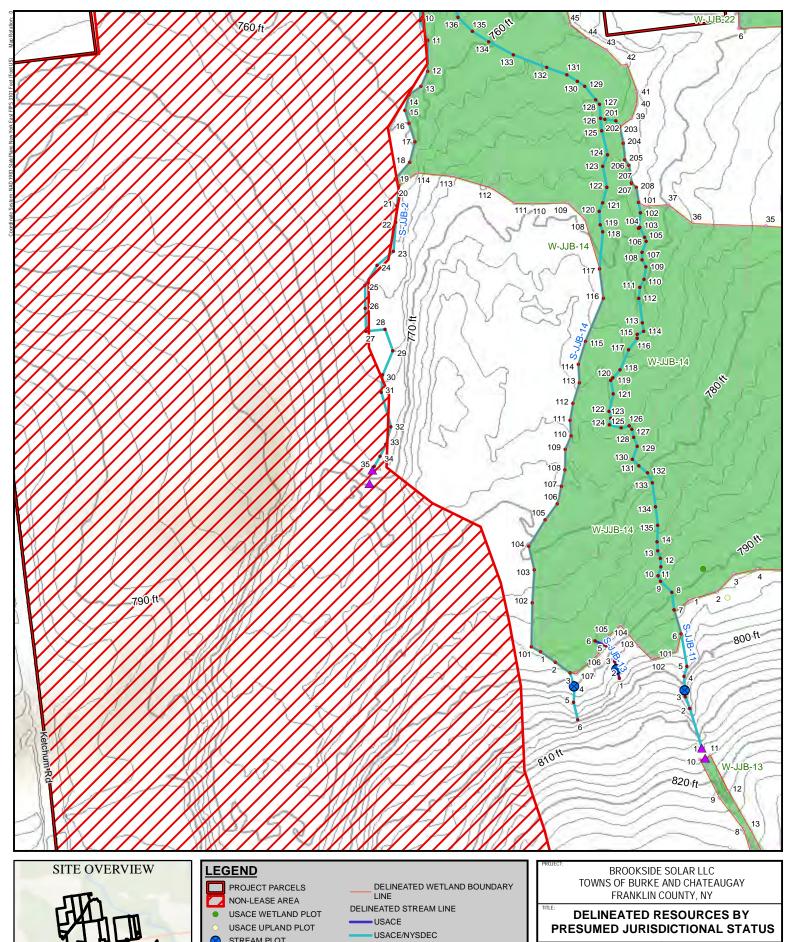




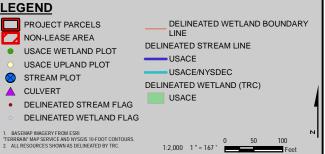
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FIGURE 5 HEET 23 OF 40

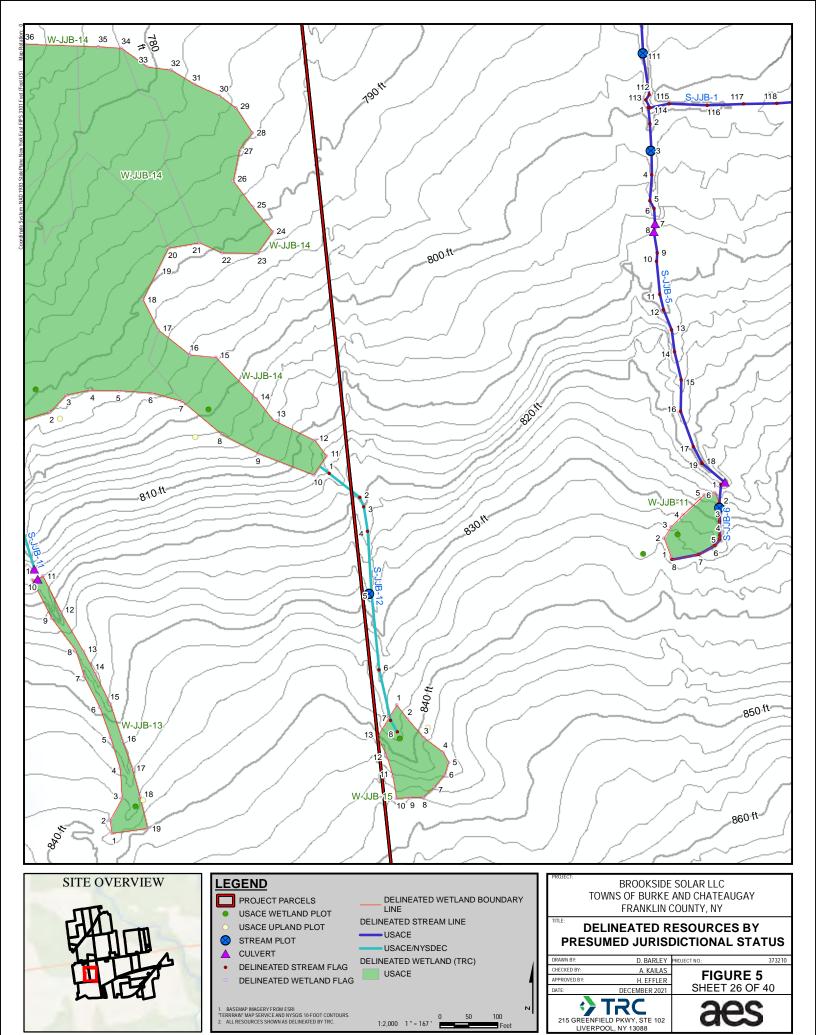


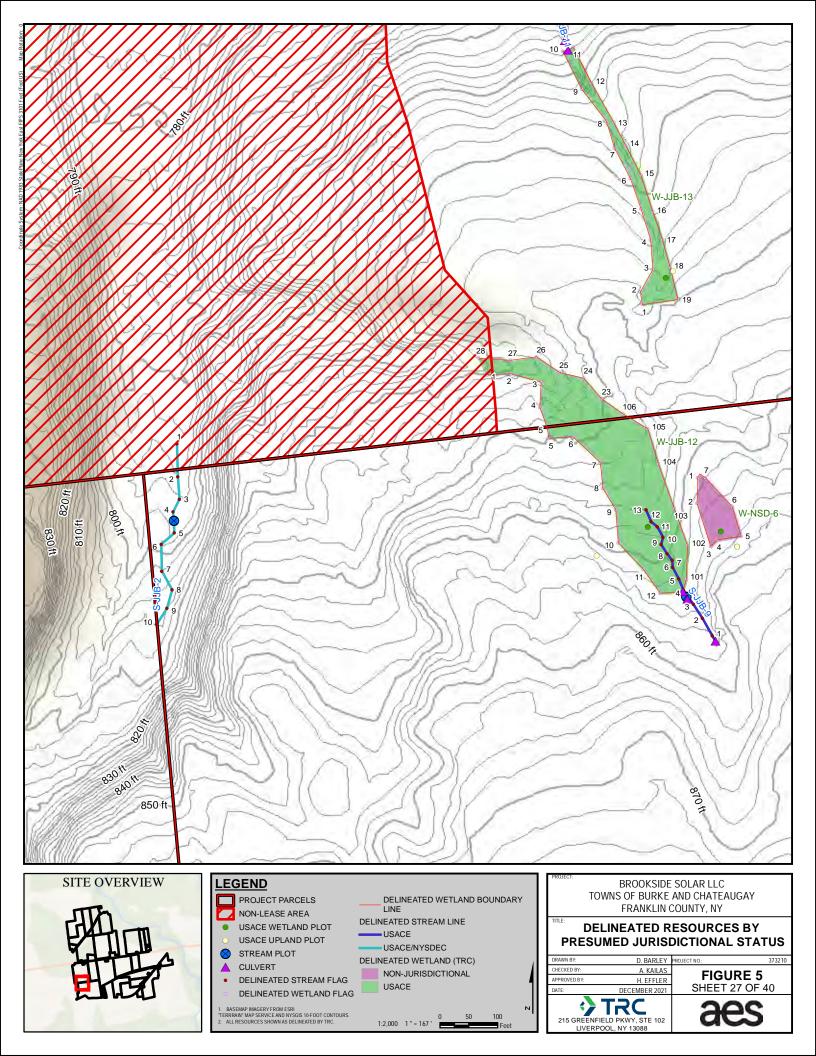


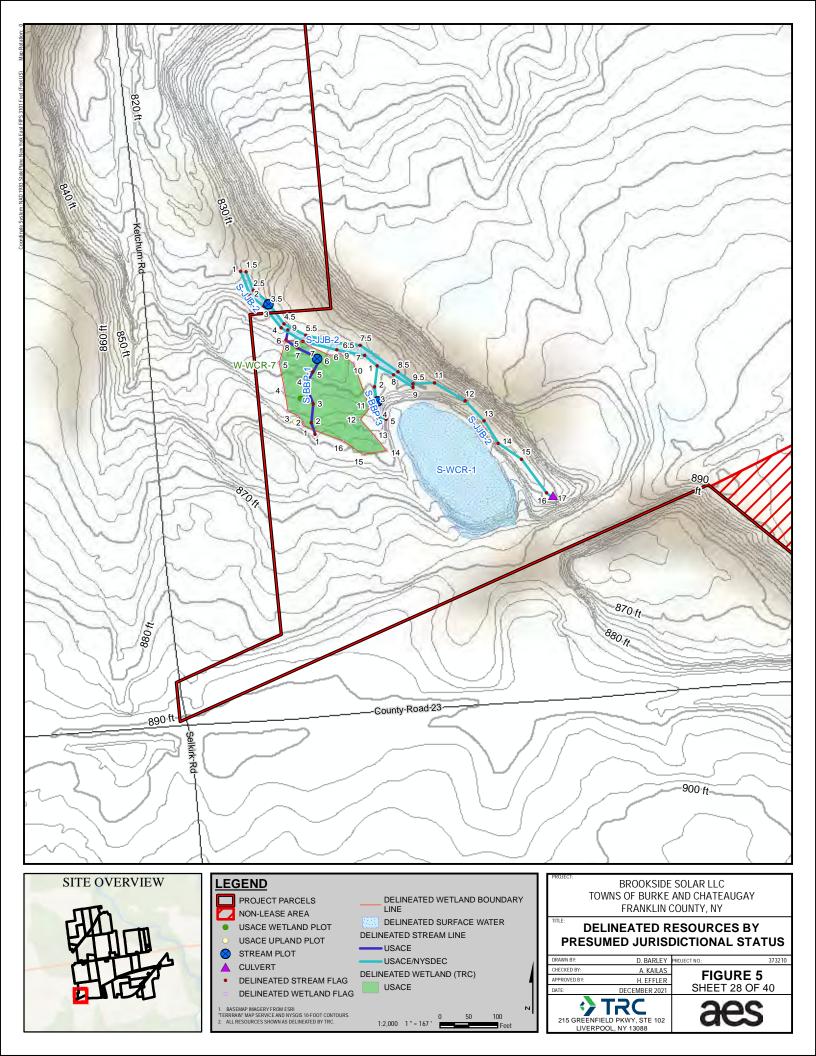


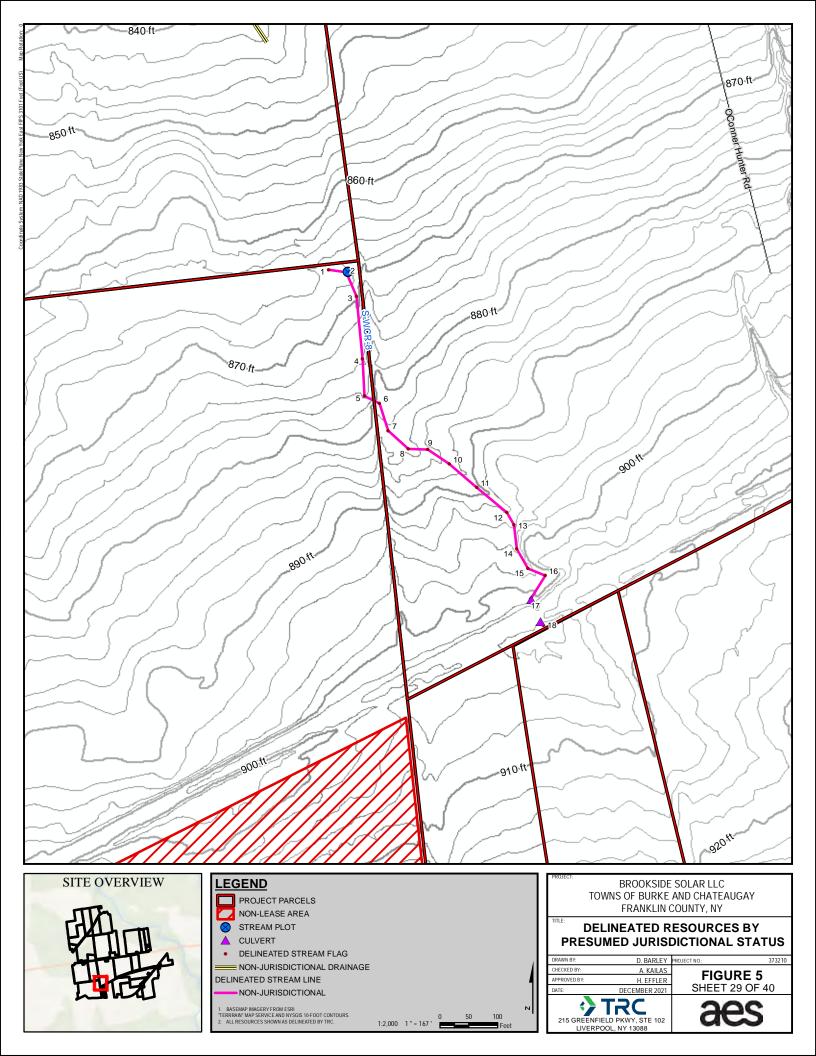


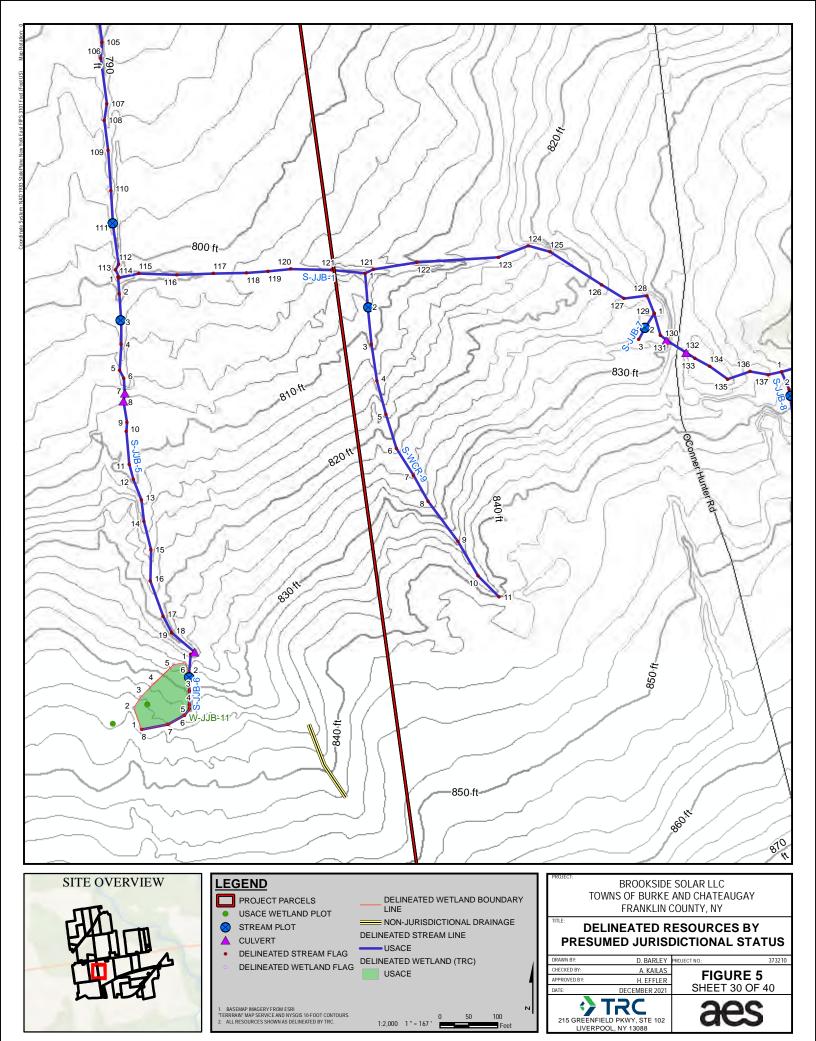
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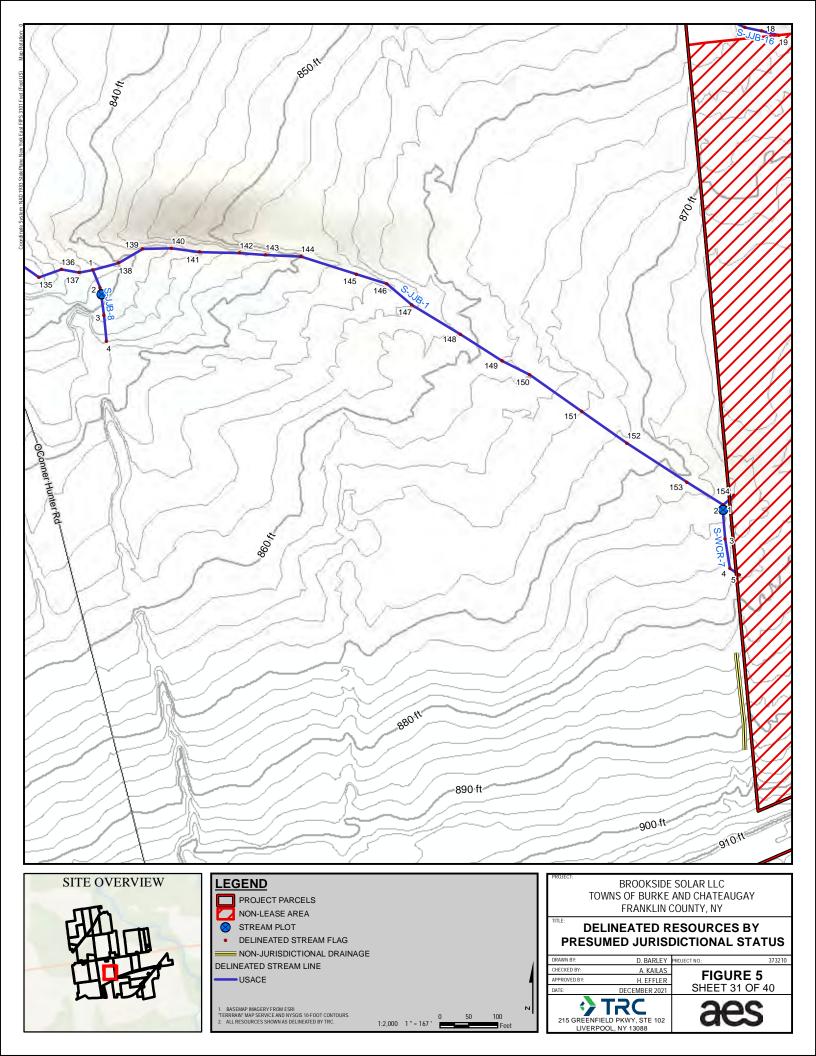


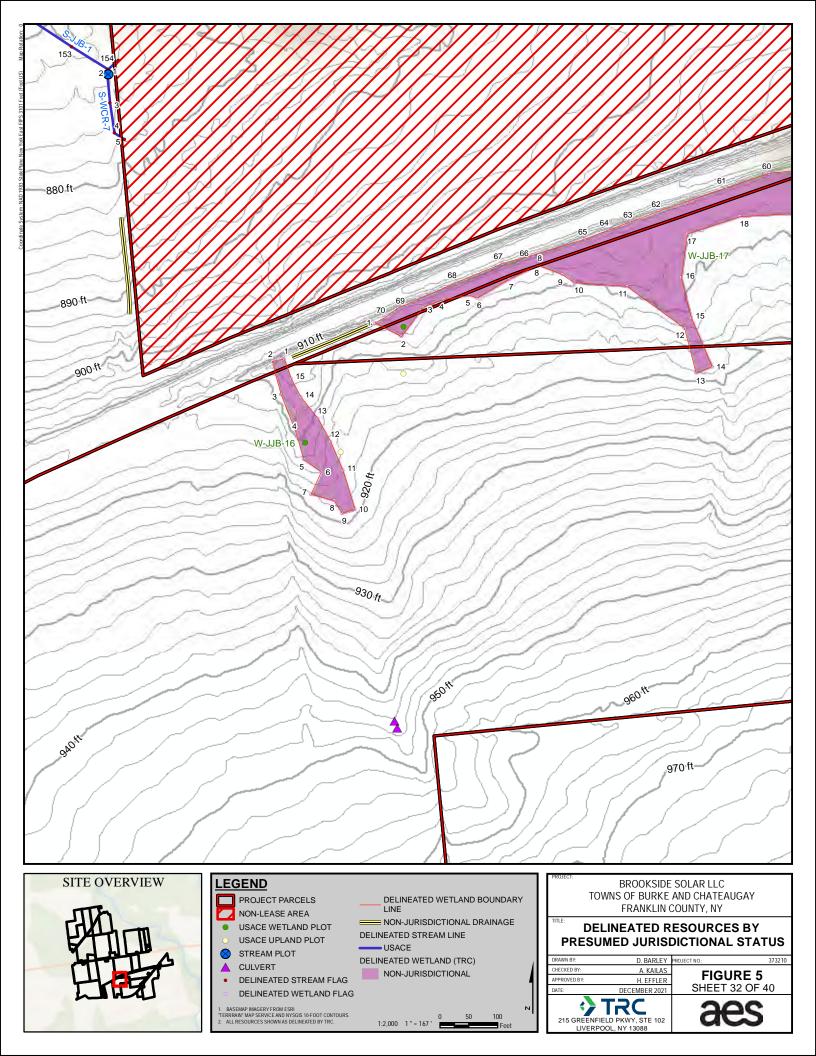


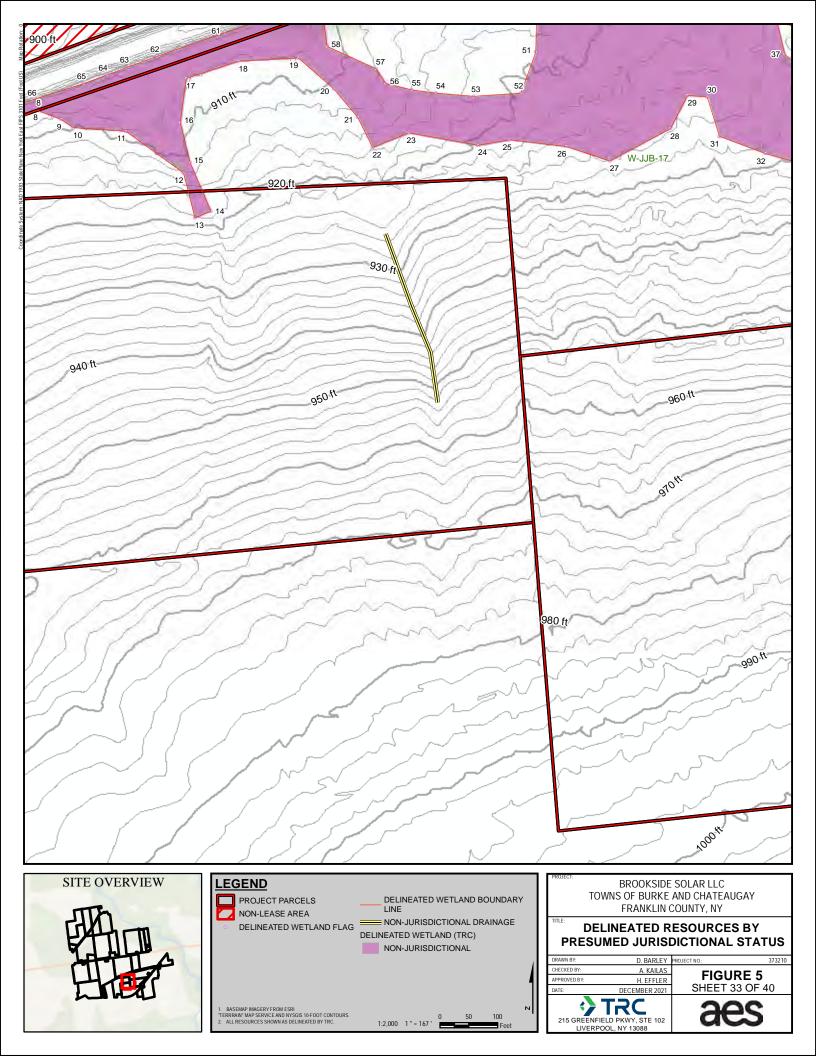


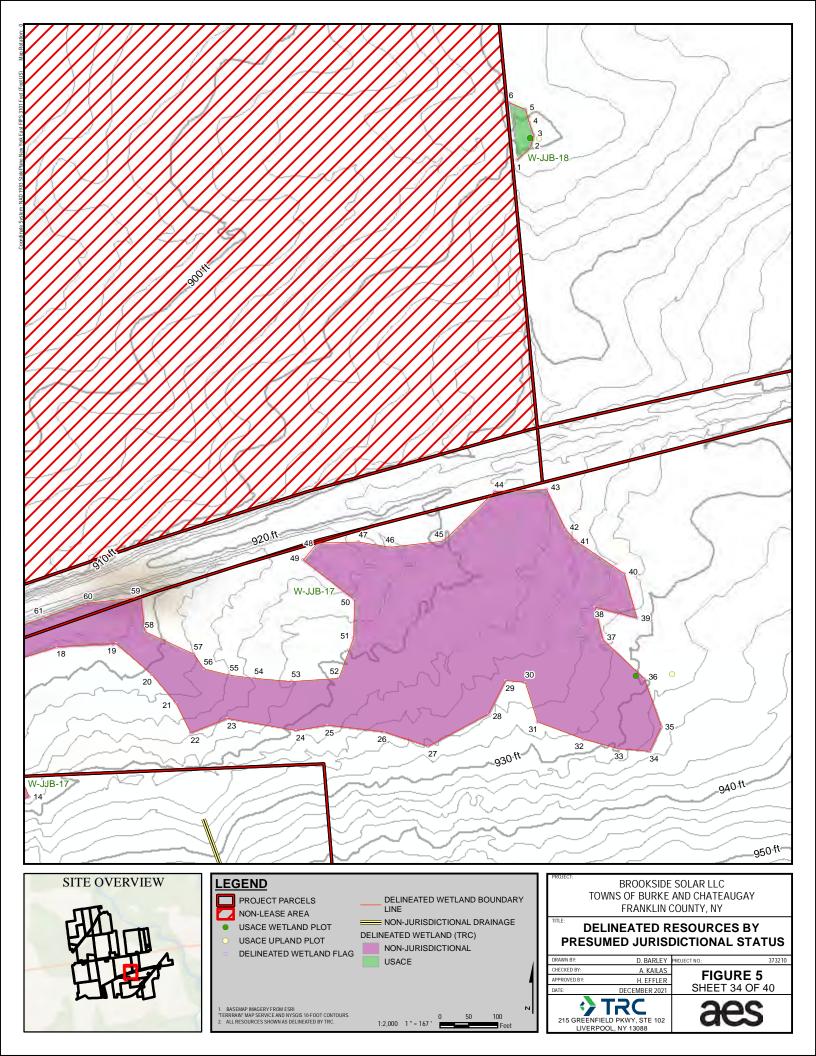


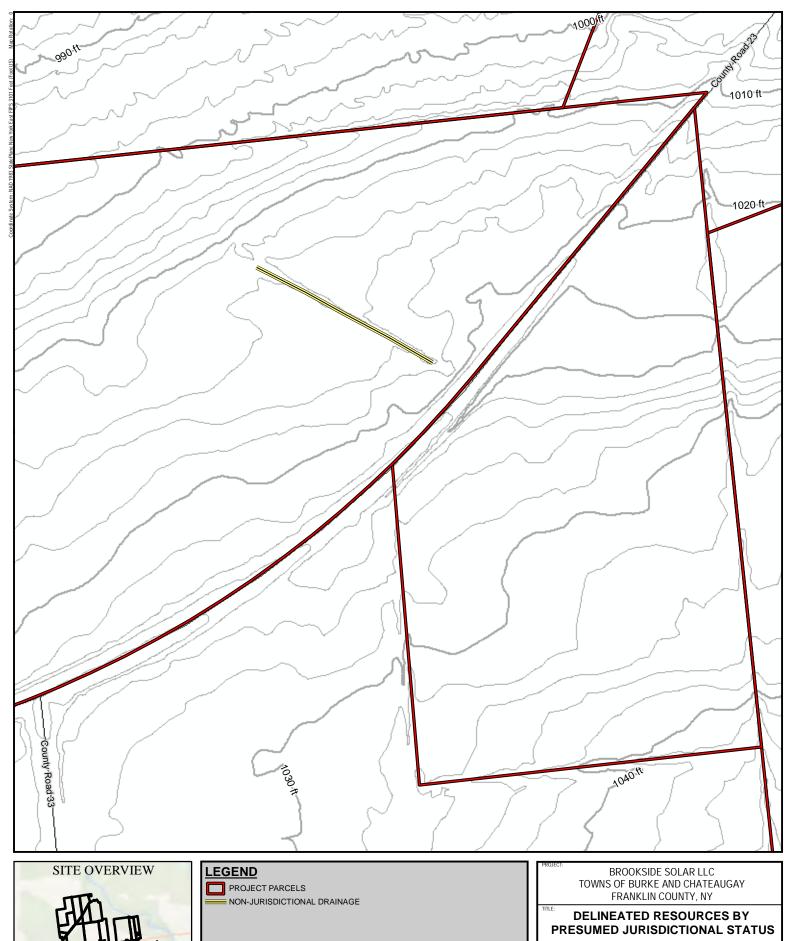


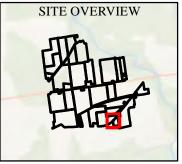


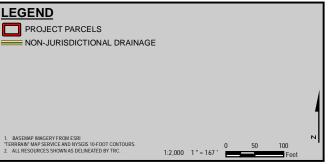




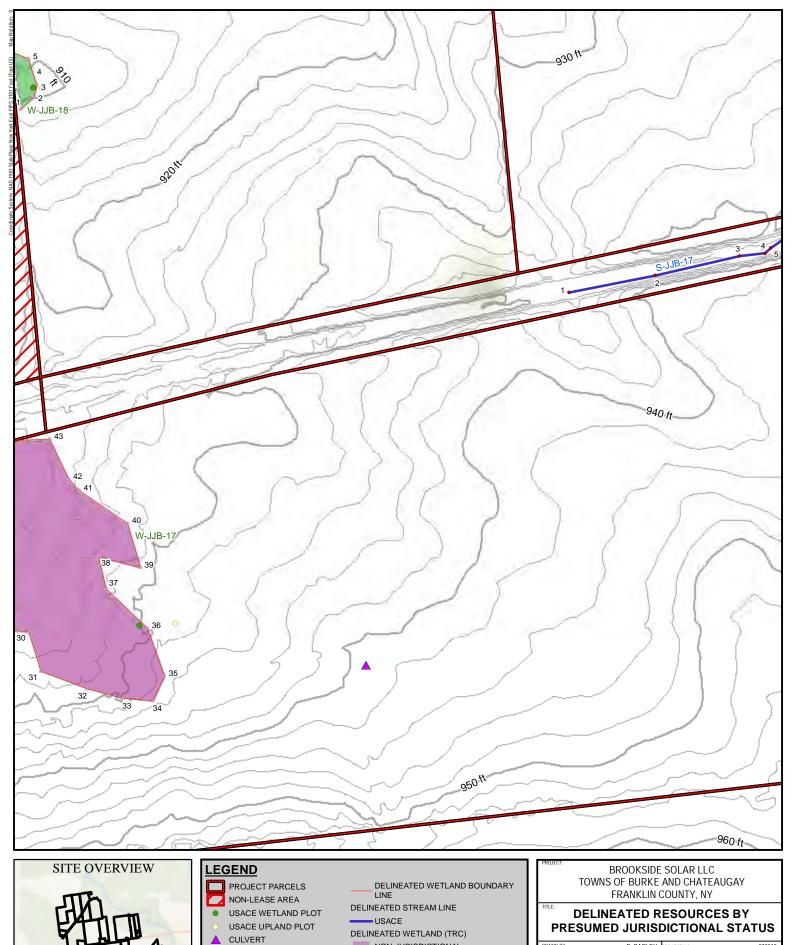




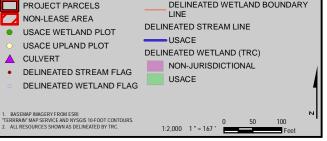




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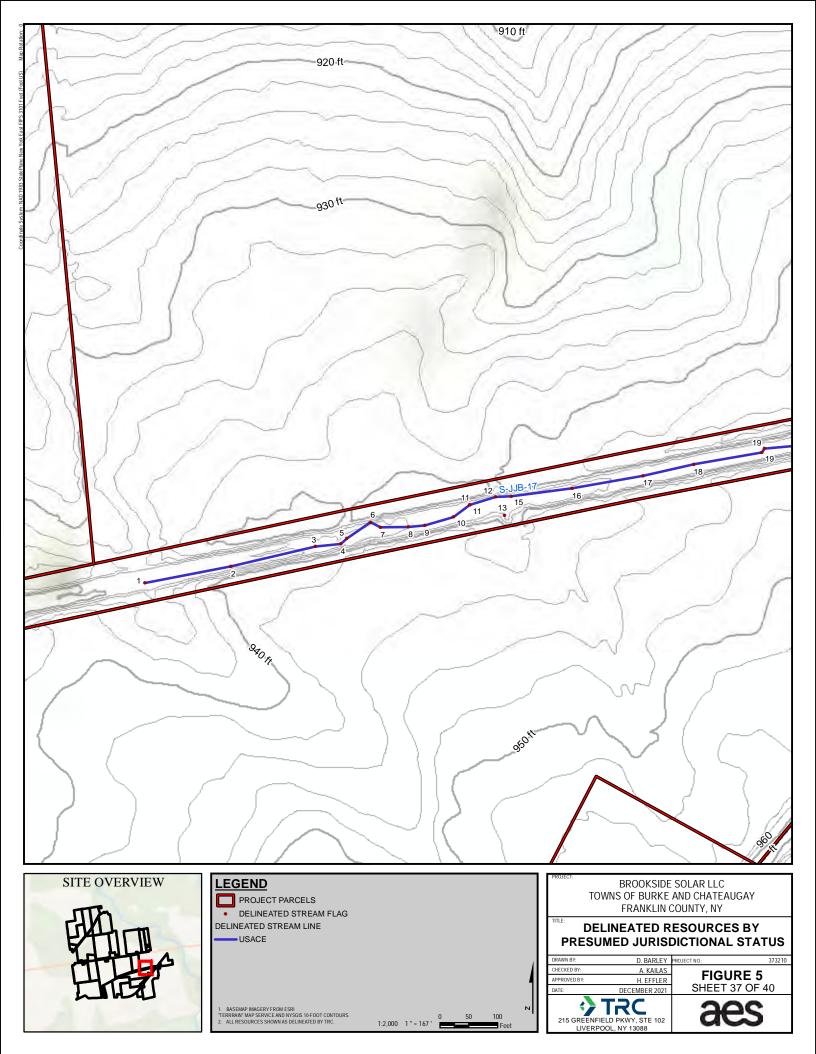


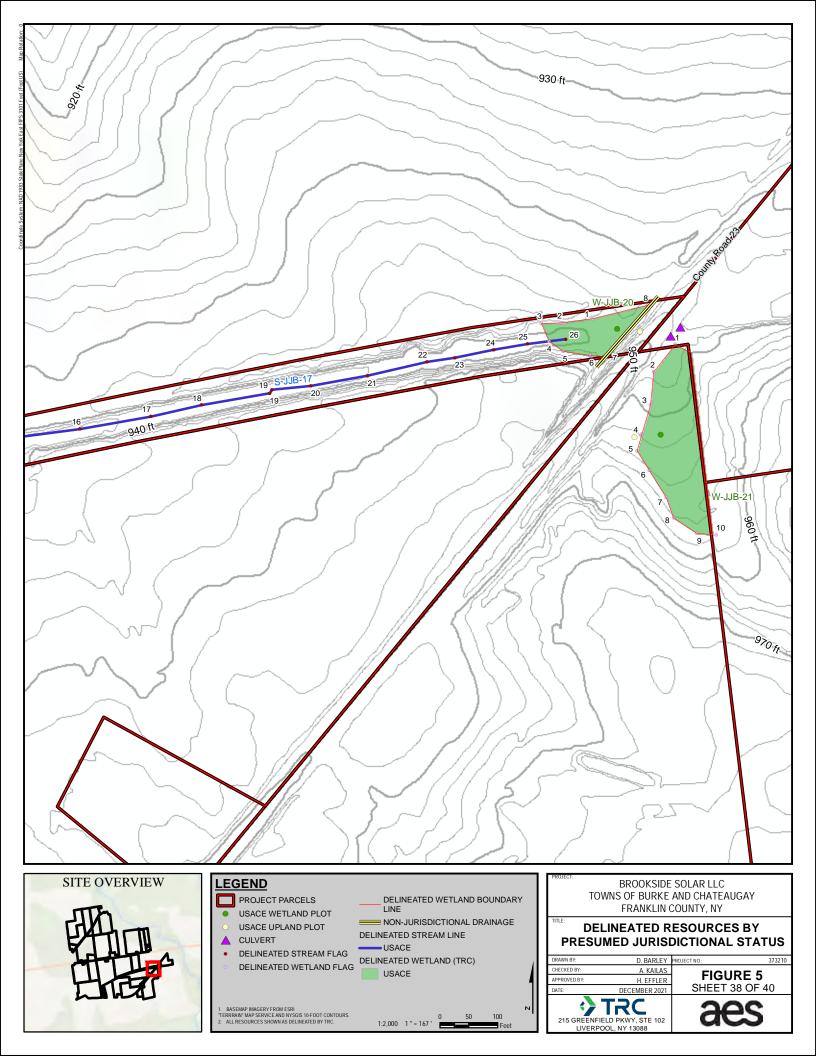


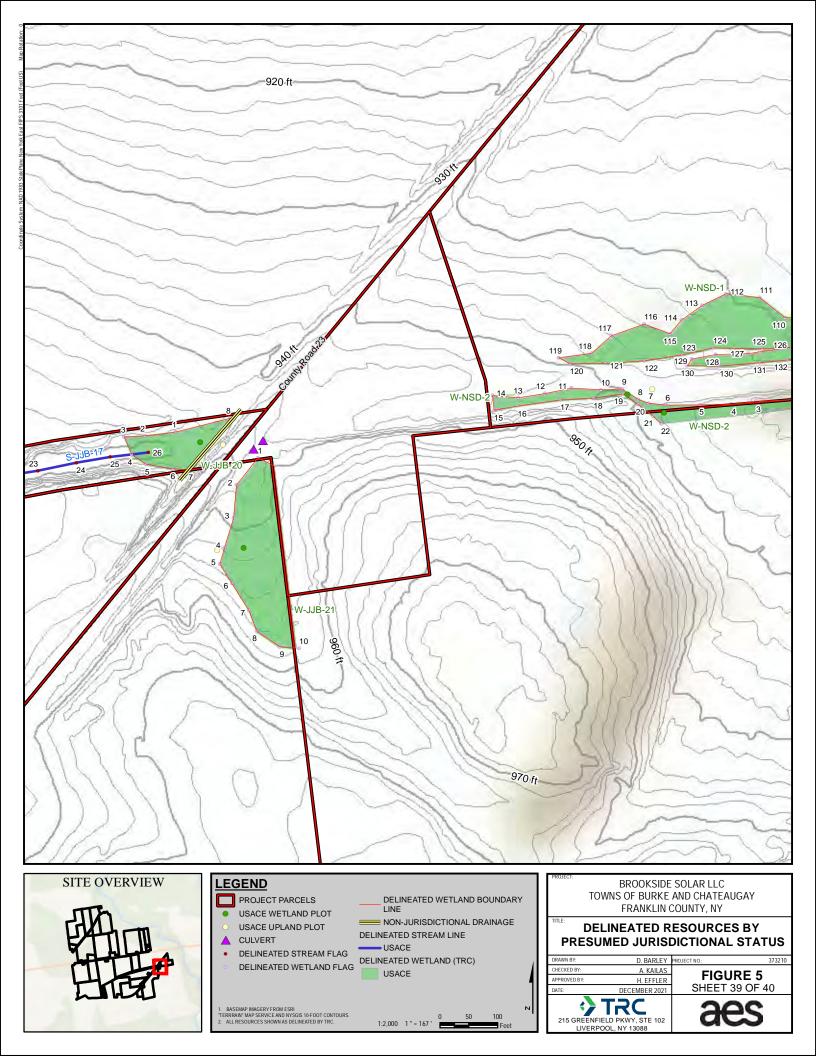


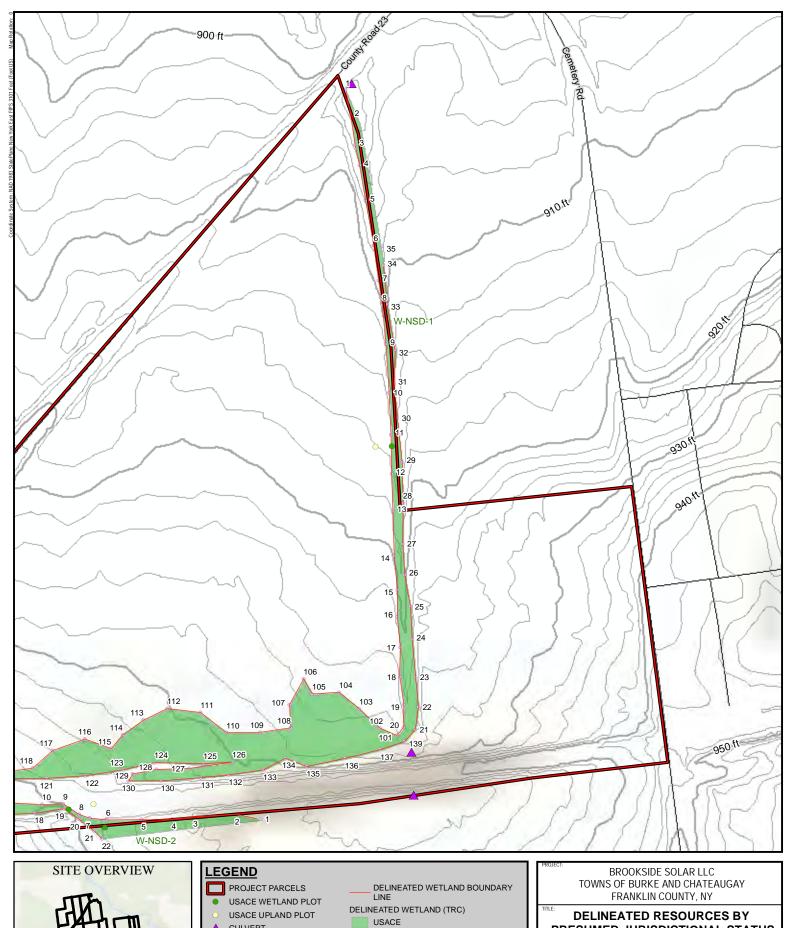
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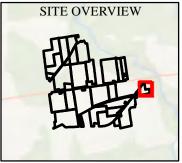
FIGURE 5 SHEET 36 OF 40

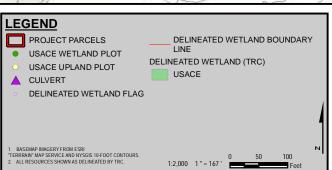












PRESUMED JURISDICTIONAL STATUS

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215 GREENFIELD LIVERPOOL		a

GURE 5 T 40 OF 40

Updated Aquatic Resources Table sent to USACE via email on (December 20, 2021)

Waters_Name W-JJB-1	NEW YORK	Cowardin_Code PEM	HGM_Code DEPRESS	Meas_Type Area	Amount Units 0.8 ACRE	Waters_Type ISOLATE	Latitude Longitude 44.92960000 -74.13450000	Local_Waterway
W-JJB-2A	NEW YORK	PEM	DEPRESS	Area	5.46 ACRE	DELINEATE	44.92340000 -74.13800000	
W-JJB-2B	NEW YORK	PSS	DEPRESS	Area	4.18 ACRE	DELINEATE	44.92340000 -74.13800000	
W-JJB-3	NEW YORK	PEM	DEPRESS	Area	0.33 ACRE	DELINEATE	44.92740000 -74.13740000	
W-JJB-4	NEW YORK	PEM	DEPRESS	Area	3.02 ACRE	DELINEATE	44.93060000 -74.13050000	
W-JJB-5 W-JJB-6	NEW YORK NEW YORK	PSS PUB	DEPRESS DEPRESS	Area Area	2.66 ACRE 0.15 ACRE	ISOLATE DELINEATE	44.92730000 -74.12710000 44.92470000 -74.12590000	
W-JJB-7	NEW YORK	PSS	DEPRESS	Area Area	0.24 ACRE	DELINEATE	44.92880000 -74.12510000	
W-JJB-8A	NEW YORK	PSS	DEPRESS	Area	0.2 ACRE	DELINEATE	44.92700000 -74.12410000	
W-JJB-8B	NEW YORK	PFO	DEPRESS	Area	1.25 ACRE	DELINEATE	44.92700000 -74.12410000	
W-JJB-9	NEW YORK	PEM	DEPRESS	Area	0.04 ACRE	DELINEATE	44.93600000 -74.12850000	
W-JJB-10	NEW YORK	PEM	DEPRESS	Area	4.98 ACRE	DELINEATE	44.93340000 -74.12530000	
W-JJB-11 W-JJB-12	NEW YORK NEW YORK	PSS PEM	DEPRESS DEPRESS	Area	0.17 ACRE 1.01 ACRE	DELINEATE DELINEATE	44.91800000 -74.13130000 44.91570000 -74.13530000	
W-JJB-12 W-JJB-13	NEW YORK	PEM	DEPRESS	Area Area	0.25 ACRE	DELINEATE	44.91710000 -74.13530000	
W-JJB-14A	NEW YORK	PEm	DEPRESS	Area	2.45 ACRE	DELINEATE	44.91980000 -74.13570000	
W-JJB-14B	NEW YORK	PSS	DEPRESS	Area	10.16 ACRE	DELINEATE	44.91980000 -74.13570000	
W-JJB-15	NEW YORK	PEM	DEPRESS	Area	0.26 ACRE	DELINEATE	44.91700000 -74.13320000	
W-JJB-16	NEW YORK	PEM	DEPRESS	Area	0.26 ACRE	DELINEATE	44.91670000 -74.12160000	
W-JJB-17	NEW YORK	PEM	DEPRESS	Area	5.96 ACRE	DELINEATE	44.91770000 -74.11680000	
W-JJB-18 W-JJB-19	NEW YORK NEW YORK	PEM PEM	DEPRESS DEPRESS	Area Area	0.06 ACRE 0.28 ACRE	DELINEATE DELINEATE	44.92020000 -74.11560000 44.92250000 -74.11340000	
W-JJB-19 W-JJB-20	NEW YORK	PEM	DEPRESS	Area	0.26 ACRE 0.19 ACRE	DELINEATE	44.92000000 -74.11340000	
W-JJB-21	NEW YORK	PEM	DEPRESS	Area	0.61 ACRE	DELINEATE	44.91950000 -74.10510000	
W-JJB-22	NEW YORK	PEM	DEPRESS	Area	0.56 ACRE	DELINEATE	44.92140000 -74.13490000	
W-JJB-23	NEW YORK	PSS	DEPRESS	Area	1.71 ACRE	DELINEATE	44.92260000 -74.12480000	
W-NSD-1	NEW YORK	PEM	DEPRESS	Area	1.55 ACRE	DELINEATE	44.92090000 -74.10120000	
W-NSD-2A	NEW YORK	PEM	DEPRESS	Area	0.14 ACRE	DELINEATE	44.92020000 -74.10250000	
W-NSD-2B W-NSD-3	NEW YORK NEW YORK	PFO PEM	DEPRESS DEPRESS	Area Area	0.22 ACRE 4.23 ACRE	DELINEATE DELINEATE	44.92020000 -74.10250000 44.92340000 -74.12860000	
W-NSD-4	NEW YORK	PEM	DEPRESS	Area	0.13 ACRE	DELINEATE	44.92500000 -74.12940000	
W-NSD-5	NEW YORK	PEM	DEPRESS	Area	0.91 ACRE	DELINEATE	44.93530000 -74.13140000	
W-NSD-6	NEW YORK	PSS	DEPRESS	Area	0.12 ACRE	DELINEATE	44.91560000 -74.13430000	
W-WCR-1	NEW YORK	PFO	DEPRESS	Area	2.6 ACRE	DELINEATE	44.93720000 -74.13210000	
W-WCR-2	NEW YORK	PFO	DEPRESS	Area	1.67 ACRE	DELINEATE	44.92490000 -74.13780000	
W-WCR-3 W-WCR-4A	NEW YORK NEW YORK	PFO PEM	DEPRESS DEPRESS	Area Area	0.63 ACRE 4.33 ACRE	DELINEATE DELINEATE	44.93560000 -74.13810000 44.92510000 -74.11010000	
W-WCR-4B	NEW YORK	PSS	DEPRESS	Area	1.25 ACRE	DELINEATE	44.92510000 -74.11010000	
W-WCR-4C	NEW YORK	PFO	DEPRESS	Area	3.08 ACRE	DELINEATE	44.92510000 -74.11010000	
W-WCR-5A	NEW YORK	PEM	DEPRESS	Area	3.73 ACRE	DELINEATE	44.92450000 -74.11610000	
W-WCR-5B	NEW YORK	PFO	DEPRESS	Area	0.5 ACRE	DELINEATE	44.92450000 -74.11610000	
W-WCR-6	NEW YORK	PEM	DEPRESS	Area		DELINEATE	44.92710000 -74.11780000	
W-WCR-7 W-RDS-2	NEW YORK NEW YORK	PFO PFO	DEPRESS DEPRESS	Area Area	0.47 ACRE 0.11 ACRE	DELINEATE DELINEATE	44.91260000 -74.13830000 44.92730000 -74.10840000	
W-RDS-2 W-RDS-3	NEW YORK	PSS	DEPRESS	Area	0.7 ACRE	DELINEATE	44.92820000 -74.10900000	
S-BBP-1	NEW YORK	R4	DEPRESS	Linear	228 FOOT	DELINEATE	44.91260000 -74.13830000	
S-BBP-3	NEW YORK	R5	DEPRESS	Linear	103 FOOT	DELINEATE	44.91250000 -74.13790000	
S-JJB-1	NEW YORK	R5	DEPRESS	Linear	5471 FOOT	DELINEATE	44.92210000 -74.13240000	
S-JJB-2	NEW YORK	R5	DEPRESS	Linear	2780 FOOT	DELINEATE	44.91610000 -74.13780000	
S-JJB-4	NEW YORK	R4	DEPRESS	Linear	258 FOOT	DELINEATE	44.93440000 -74.12680000	
S-JJB-5 S-JJB-6	NEW YORK NEW YORK	R4 R4	DEPRESS DEPRESS	Linear Linear	636 FOOT 247 FOOT	DELINEATE DELINEATE	44.91920000 -74.13150000 44.91810000 -74.13110000	
S-JJB-7	NEW YORK	R4	DEPRESS	Linear		DELINEATE	44.91980000 -74.13110000	
S-JJB-8	NEW YORK	R4	DEPRESS	Linear		DELINEATE	44.91940000 -74.12710000	
S-JJB-9	NEW YORK	R4	DEPRESS	Linear	265 FOOT	DELINEATE	44.91530000 -74.13500000	
S-JJB-11	NEW YORK	R5	DEPRESS	Linear		DELINEATE	44.91940000 -74.13630000	
S-JJB-12	NEW YORK	R5	DEPRESS	Linear	501 FOOT	DELINEATE	44.91780000 -74.13350000	
S-JJB-13 S-JJB-14	NEW YORK NEW YORK	R5 R5	DEPRESS DEPRESS	Linear Linear	85 FOOT 1535 FOOT	DELINEATE DELINEATE	44.91830000 -74.13630000 44.92000000 -74.13640000	
S-JJB-14 S-JJB-16	NEW YORK	R4	DEPRESS	Linear	909 FOOT	DELINEATE	44.92140000 -74.13340000	
S-JJB-17	NEW YORK	R4	DEPRESS	Linear	1636 FOOT	DELINEATE	44.91960000 -74.10890000	
S-NSD-1	NEW YORK	R4	DEPRESS	Linear	399 FOOT	DELINEATE	44.93670000 -74.13180000	
S-WCR-1	NEW YORK	R6	DEPRESS	Linear	1467 FOOT	DELINEATE	44.93460000 -74.13600000	
S-WCR-2	NEW YORK	R4	DEPRESS	Linear	3110 FOOT	DELINEATE	44.93510000 -74.12760000	
S-WCR-4	NEW YORK	R6	DEPRESS	Linear	1764 FOOT	DELINEATE DELINEATE	44.92890000 -74.11570000 44.93030000 -74.11070000	
S-WCR-6 S-WCR-7	NEW YORK NEW YORK	R6 R4	DEPRESS DEPRESS	Linear Linear	1927 FOOT 132 FOOT	DELINEATE	44.93030000 -74.11070000 44.91830000 -74.12290000	
S-WCR-7 S-WCR-8	NEW YORK	R6	DEPRESS	Linear	770 FOOT	DELINEATE	44.91560000 -74.1290000	
S-WCR-9	NEW YORK	R4	DEPRESS	Linear	625 FOOT	DELINEATE	44.91920000 -74.12970000	
	NEW YORK		DEPRESS	Linear	373 FOOT	DELINEATE	44.92220000 -74.12690000	