

Appendix E

NYSDEC Freshwater Wetlands Determination



Freshwater Wetlands Determination

NAME Benjamin Brazell		WETLAND ID# HK-3, HK-8	DATE INVESTIGATION CONDUCTED August 30 2017
ORGANIZATION Environmental Design& Research	TOWN: Fremont	COUNTY: Steuben	
STREET ADDRESS 217 Montgomery Street, Suite 1000			
CITY - VILLAGE - TOWN Syracuse		STATE NY	ZIP CODE 13202
RE: Baron Wind Farm – preapplication wetland Determination			

This letter is in response to your inquiry regarding the applicability of Article 24 (Freshwater Wetland Act) regulations to the parcel of land in question. An investigation was conducted and, based on this determination, the Department of Environmental Conservation finds that the statements checked below apply to the subject property:

- A regulated Freshwater Wetland is located on or within 100 feet of this property, and regulated activities in the wetland or within the 100-foot adjacent area are subject to permit requirements.
- No regulated Freshwater Wetland is currently mapped on or within 100 feet of this property. Therefore, no New York Environmental Conservation Law Article 24 Freshwater Wetland permit is required at this time.
- The project, as described, is within 100 feet of a regulated wetland, and a wetland permit will be required prior to the commencement of the proposed project. Information about Freshwater Wetlands and regulated activities can be found on the Department’s Freshwater Wetlands web page: <http://www.dec.ny.gov/lands/4937.html>
- The property contains a regulated wetland and/or is within 100 feet of a wetland boundary, but the described project is located outside the regulated area and will not require a wetland permit.
- Please contact the **U.S. Army Corps of Engineers (Buffalo office) at 716-879-4330** regarding any federally protected wetlands in the vicinity. <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>
- The boundary of the regulated wetland located on this property has been precisely delineated as follows:

The Department has reviewed wetland delineation for the wind tower locations and transmission lines and has determined the document to be accurate.

The Department will have Article 24 Freshwater Wetland Act jurisdiction at the following locations:

1. East of State Route 21 and Derevees Rd. intersection the collection/transmission line between towers T46 and T81 crosses state wetland HK-3.
2. The collection/transmission line also cross State Regulated Wetland HK-8 at the intersection of State Route 21 and Conderman Rd. (Town of Fremont, Steuben County)

Please be advised that any disturbance of state regulated wetland or 100-foot regulated adjacent area may result in the need for mitigation for the impacts to these regulated areas.

The remainder of the project site does not appear to impact any other state wetlands, or wetlands eligible for amendment to the State Wetlands map.

Streams:

Be advised that the collection lines do cross streams protected by Article 15 Use and Protection of Water Regulations. The Bed and Banks of any stream class C(T) or higher is protected from disturbance of any type. Any disturbance to the bed and banks of the protected streams (including crossings) will require a permit from this Department.

1. Areas of concern are Seely Creek and its tributaries along canfield Rd., North of Stte Rt 21, near Conderman Rd.
2. A Tributary of Neils Creek North East of Mack School Rd, near Tower T-26, a second tributary of Neils Creek the South side of Darevees Rd West of the Wetland Crossing of HK-3.
3. Another crossing of a protected steam is South West of Tower T-13, North of State Route 21 where a protected tributary of The Cohocton River runs parallel to Route 21 and other protected tributaries are being crossed by the Collector line.
4. The final crossing of concern is North of Gruber Rd where again there is a crossing o a tributary of Cohocton River.

All these streams have work restrictive dates of October 1st to May 15th. Which will be applied for any work to the bed or banks of these streams.



DN: cn=Steven Miller, o=NYSDEC,
ou=Bureau of Habiat,
email=steve.miller@dec.ny.gov, c=US
Date: 2017.10.11 10:01:55 -04'00'

SIGNED: _____

TITLE: _____

Biologist

Department wetland field delineations remain in effect for a period of five years, after which they are subject to revision at the Department's discretion, due to changing site conditions. Measurements of the 100-foot adjacent area are done *horizontally* upland from the wetland boundary, not along the ground surface. Identification of the adjacent-area boundary, if done, is the responsibility of the landowner or project sponsor.