

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 7

615 Erie Boulevard West, Syracuse, NY 13204-2400

P: (315) 426-7438 | F: (315) 426-7425

www.dec.ny.gov

January 21, 2020

David DeYoung
Labella Associates, D.P.C.
300 State Street, Suite 201
Rochester, NY 14614

**RE: Source Renewables LLC – Renewable Energy Facility
Jurisdictional Determination Request
6870 E Taft Rd, Town of DeWitt, Onondaga County**

Dear Mr. DeYoung:

The New York State Department of Environmental Conservation (DEC) received the submitted information for the above referenced project. This information was received by the Department on August 26, 2019. According to the provided materials, Labella Associates, on behalf of your client (Source Renewables LLC), is requesting comments on the presence of NYS protected natural resources and potential permits required for work on the identified property.

Based upon our review of your inquiry, DEC offers the following comments:

PROTECTION OF WATERS

An unnamed tributary of Ley Creek (NYS Water Index#: ONT-66-12-12-P154-3-7A), a Class C stream, is located within close proximity to the identified project location. As this stream is not considered a navigable waterbody, an Article 15, Protection of Waters, Permit is not required for any disturbance to the stream.

If work is proposed within the stream identified above or other waterbodies on the property, however, the project sponsor is still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

FRESHWATER WETLANDS

Your project/site is near or in Regulated Freshwater Wetland SYE-2, a Class II wetland. Be aware that a Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100 foot adjacent area. To have the boundary delineated or verified, please contact Tiffany Toukatly, Bureau of Habitat, at (607) 753-3095, ext. 206.

Please also contact your town officials and the United States Army Corps of Engineers Auburn Field Office, at (315) 255-8090, for any permitting they might require.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near record(s) of the following State-listed species: Indiana Bat (*Myotis sodalis*), Endangered. Please be aware, pursuant to Article 11, Title 5, Section 535 of the



Environmental Conservation Law, Threatened and Endangered Species, an "Incidental Take" Permit may be required from the DEC for any project if it is determined that a take of a threatened or endangered species will occur. However, to avoid adverse impacts to the above listed bat species, DEC suggests that any project plans for construction activities on this parcel specify that all clearing of trees occur from October 31 through March 31. For more information on avoiding impacts to state-listed species referenced above, please contact Tom Bell of Wildlife at (607) 753-3095, ext. 243.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

CULTURAL RESOURCES

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Trendon Choe

Division of Environmental Permits, Region 7
Telephone No. (315) 426-7445

Cc: T. Bell, R7 Wildlife
T. Toukatly, R7 BEH

NOTE: Regarding erosion/sedimentation control requirements:

Stormwater discharges require a State Pollutant Discharge Elimination System (SPDES) Stormwater permit from this Department if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- for a proposed disturbance of 1 acre or more of land

Your project may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>.

For construction permits, if this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department. If the site is not within an MS4 area and other DEC permits are required, please contact the regional Division of Environmental Permits.