

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

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<mailto:thr56@frontier.com>

Thursday, June 10, 2021

TOWN OF GLEN  
PLANNING BOARD  
7 ERIE STREET  
FULTONVILLE NY 12072

**Re: Jurisdictional Inquiry Response  
Borrego Solar Project/Lanfear Property  
2621 State Highway 5S  
Town of Glen, Montgomery County**

Dear Mr. Reilly:

Thank you for contacting the Department with regard to the proposal to the Borrego Solar Project at property located at 2621 State Highway 5S, Glen, NY (Parcel ID: 53.31-113). Based on the project information which you provided, and the resources identified the following information provides a preliminary summary of permits that may be required from this Department for the project.

### **Freshwater Wetlands:**

The project site is located near or in Freshwater Wetland TH-13, a Class 2 wetland and near Freshwater Wetland TH-18, a Class 3 wetland. An Article 24 Freshwater Wetlands Permit is required for physical disturbance within the wetland or within the 100-foot adjacent area surrounding the wetland. Since wetland boundaries are subject to change over time, we would recommend a consultant be hired to perform a wetland delineation. General information on wetlands and the permitting process can be located on our website at <http://www.dec.ny.gov/permits/6058.html>.

### **Protection of Waters:**

A stream is located on the subject parcel (FIN: H-240-83) and is a Class C waterbody. An Article 15 Protection of Waters Permit, pursuant to 6 NYCRR Part 608 is required for any disturbance to the bed and banks of a protected stream or for a project involving excavation or fill below the mean high water level in a Class C stream, which is considered navigable.

Even if an Article 15 Permit is not required for this project, please keep in mind that water quality standards of the stream should be maintained at all times. Activities which result in sedimentation and/or turbid waters may constitute a violation of water quality standards and the Environmental Conservation Law (ECL). All necessary precautions should be taken to prevent contamination of the stream by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project. All disturbed areas should be stabilized promptly after construction and all soils and debris resulting from the project should be moved to a location where they cannot enter the stream during periods of heavy rain.

General information on streams and the permitting process can be located on our website at [www.dec.ny.gov/permits/6042.html](http://www.dec.ny.gov/permits/6042.html)

### **Stormwater State Pollutant Discharge Eliminations System (SPDES) Permit For Construction Activities:**

Any project which results in a disturbance of one acre or more of land, must be in compliance with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities.

Information regarding the SPDES General Permit for Stormwater Discharges can be found on the Department's website at <http://www.dec.ny.gov/chemical/8468.html>.

### **Cultural Resources:**

Your project site appears to be located within an area of potential historical or archeological significance. If approvals/permits are ultimately needed from this Department, consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) will likely be required in order to better evaluate this project's impacts on these resources.

To initiate consultation with OPRHP, please visit their project submission website at <https://cris.parks.ny.gov/>. Please add Kate Kornak at [kate.kornak@dec.ny.gov](mailto:kate.kornak@dec.ny.gov) to the list of contacts for your project.

### **Agricultural Districts:**

The project site is within an agricultural district. Please contact the New York State Department of Agriculture and Markets (Ag and Markets) to determine if this project is in compliance with the provision of subdivision (4) of section 305 of Article 25-AA of the Agriculture and Markets Law and copy the DEC on Ag and Markets response.

**Natural Heritage Program:**

We have reviewed the available information in the New York Natural Heritage Program database on known occurrences of rare or state-listed animals and plants, significant communities and other significant habitats. *No records of known occurrences were found in the (immediate) vicinity of the project/site.*

Additional information on protected species and habitats can be found on our website at <http://www.dec.ny.gov/animals/29338.html>.

**Other Areas of Concern:**

The proposed site is within the 100/500-year flood plains.

Please feel free to contact Kate Kornak by telephone at (518) 357-2459 or by e-mail at [kate.kornak@dec.ny.gov](mailto:kate.kornak@dec.ny.gov) if you have any questions.

Sincerely,

Casey Smith  
Office Assistant I

Encl.: Jurisdictional Map

ecc: [ggibbons@borregosolar.com](mailto:ggibbons@borregosolar.com)

