

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**Division of Environmental Permits**

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November 23, 2021

Timothy Reilly  
Town of Glen Planning Board  
7 Erie Street  
Fultonville, NY 12072

**RE: LEAD AGENCY COORDINATION RESPONSE**  
**411 Reynolds Road Wind Energy Project**  
Borrego Solar  
411 Reynolds Rd, Fultonville  
Town of Glen, Montgomery County

Dear Mr. Reilly:

This letter responds to your correspondence of October 28, 2021, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (“DEC” or “Department”) has the following interest in this project:

**Name of Action:** 411 Reynolds Road Wind Energy Project  
**DEC Contact Person:** Delaney Martin, Environmental Analyst I  
**SEQR Classification:**  Type I  Unlisted  Type II

**DEC Position:** Based on the information provided:

- DEC has no objection to your agency assuming lead agency status for this action.
- DEC wishes to assume lead agency status for this action.
- DEC needs additional information in order to respond (see comments).
- DEC cannot be lead agency because it has no jurisdiction in this action.

**Possible DEC Permits:**

- Article 11 Incidental Take Permit – If the proposed action will result in a “take” of a threatened or endangered species, an Incidental Take Permit will be required. A “take” is defined within ECL §11-0535 regulations as an activity interfering with an essential behavior on habitat occupied by threatened or endangered species.

- Article 15 Protection of Waters Permit – The 876-185 stream, a Class C navigable waterbody is located within the project area. If this project results in excavation or fill below the mean high-water level, an Article 15 Protection of Waters Permit for Excavation and Fill will be required.
- Section 401 Water Quality Certification – If this project will impact federally-regulated wetlands or waterbodies, which require a Section 404 Permit (Individual or Nationwide Permit) from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification may be required from the Department.
- SPDES General Permit for Stormwater Discharges from Construction Activity – If this project will disturb more than one acre of land, the applicant must comply with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities.

**Additional Comments:**

Enclosed is a copy of the Department's jurisdictional map for your reference. Please note that the map is intended to provide an idea as to the approximate size and location of resources; actual field conditions may vary from those depicted on the map. Also note that the proposed project falls within an Environmental Justice area.

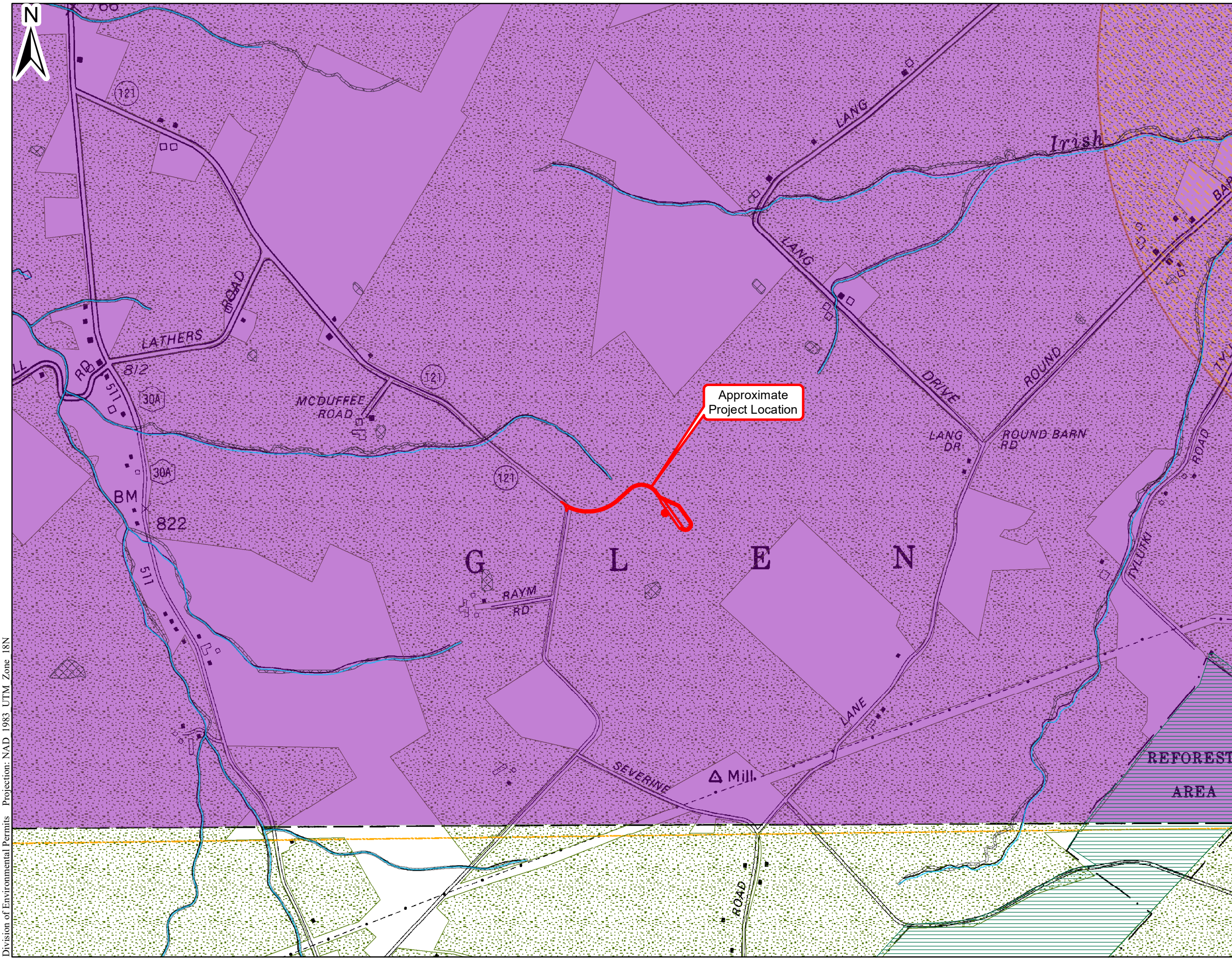
Please feel free to contact me by telephone at (518) 402-8388 or by e-mail at [delaney.martin@dec.ny.gov](mailto:delaney.martin@dec.ny.gov) if you have any questions.

Sincerely,



Delaney Martin  
Environmental Analyst I  
Bureau of Energy Project Management

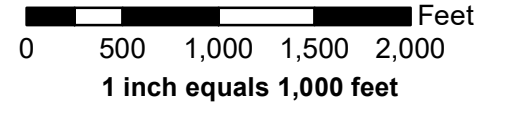
Enclosure: Jurisdictional Map



**NYS RESOURCES MAP**

**Community Wind - Glen Borrego  
Town of Glen,  
Montgomery County**

November 5, 2021



**Legend**

- Class 1 Freshwater Wetland
- Class 2 Freshwater Wetland
- Class 3 Freshwater Wetland
- Class 4 Freshwater Wetland
- Deed Restrictions
- Protected Streams (C(t) and higher)
- Class C and D Streams
- National Wetlands Inventory
- APA Wetlands**
- Palustrine
- Lower perennial riverine
- Upper perennial riverine
- TE Species
- TE Freshwater Mussels
- TE Fish
- BBA\_Grassland\_Birds\_ET
- BBA\_Marsh\_Birds\_ET
- Grassland Focus Areas
- TE Listed Plant
- Threatened or Endangered Mussels
- S1 or S2 Freshwater Mussels
- Oil, Gas, or Other Well
- Plugged Oil or Gas Well
- Archaeologically Sensitive Area
- National/State Historic Register Site
- State Historic Site or Historic Park
- Catskill & Adirondack Park Boundaries
- State Parks
- Primary Aquifers
- NYC Watershed Boundary
- Local Waterfront Revitalization Program
- Coastal Management Area Boundaries
- Critical Environmental Areas
- Potential EJ Area
- Agricultural Districts
- Scenic Areas of Statewide Significance
- Scenic Byways
- DEC Lands



*Disclaimer: This map was prepared by the NYSDEC Division of Environmental Permits using the most current data available. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited. Additional resources may be present but not depicted on this map.*