

Appendix 14-3

**ORES Surface Waters and Wetlands
Jurisdictional Determination**



**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.



**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 Delineation ID ¹	Acreage	Category ²	State Wetland ID	Wetland Classification	Changes ³
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 Changes include any minor adjustments to features provided by the applicant					