

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2069 | F: (518) 357-2460

www.dec.ny.gov

Transmitted electronically to: lucas.rogers@albanycountyny.gov

May 28, 2021

Lucas Rogers
Albany County Economic Development,
Conservation and Planning
112 State St., Rm. 1310
Albany, NY 12207-2021

Re: Lead Agency Coordination Response

Albany County Proposed Solar Farm
897 Watervliet Shaker Rd
Town of Colonie, Albany County

Dear Lucas Rogers,

This letter responds to your correspondence received by the Department on May 10, 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: 3.21 MW Solar Farm at 897 Watervliet Shaker Rd

DEC Contact Person: Trish Gabriel, Environmental Analyst

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.

****The Department must be notified immediately if the project/proposed action scope changes, or the EAF is revised.***

Possible DEC Permitting Requirements:

A review of NYS protected resources near or within the project site was performed using existing GIS data (see enclosed NYS Resources Map). Please note that jurisdictional maps are meant to provide approximate sizes and locations of resources. Actual field conditions may vary from



Department of
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Conservation

those depicted on the maps. The following provides a summary of potential State permitting requirements for the project based on the results of the protected resources review and project information submitted with your correspondence.

Water Quality Certification

It appears that federally-regulated wetlands and/or waterbodies may be located on the subject property. Work within certain wetlands and other waters of the United States may require a permit from the U.S. Army Corps of Engineers (USACE). A Water Quality Certification, pursuant to Section 401 of the Federal Clean Water Act, may be required from the DEC when a USACE permit is issued. The DEC recommends you contact the USACE directly regarding federal wetlands and waters of the U.S. regulatory jurisdictions and permitting requirements. The USACE NY District regulatory program for this area is handled out the USACE Upstate Regulatory Field Office in Watervliet NY. The Regulatory Field Office general phone number is (518) 266-6351 and the general email address is cenan.rfo@usace.army.mil. For more information on Water Quality Certifications, please refer to the following DEC Website link: <https://www.dec.ny.gov/permits/6546.html>.

Stormwater State Pollutant Discharge Eliminations System 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 <https://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 impact on these resources. To initiate consultation with OPRHP, please visit their project submission website at <https://cris.parks.ny.gov/>. Please add Trish Gabriel at trish.gabriel@dec.ny.gov to the list of contacts for your project.

Please note that construction activities that have the potential to affect historic and/or archeological resources are not eligible for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) unless documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act is received from OPRHP for the project site.

Please feel free to contact me by e-mail at trish.gabriel@dec.ny.gov or by telephone at (518) 357-2445 if you have any questions.

Sincerely,

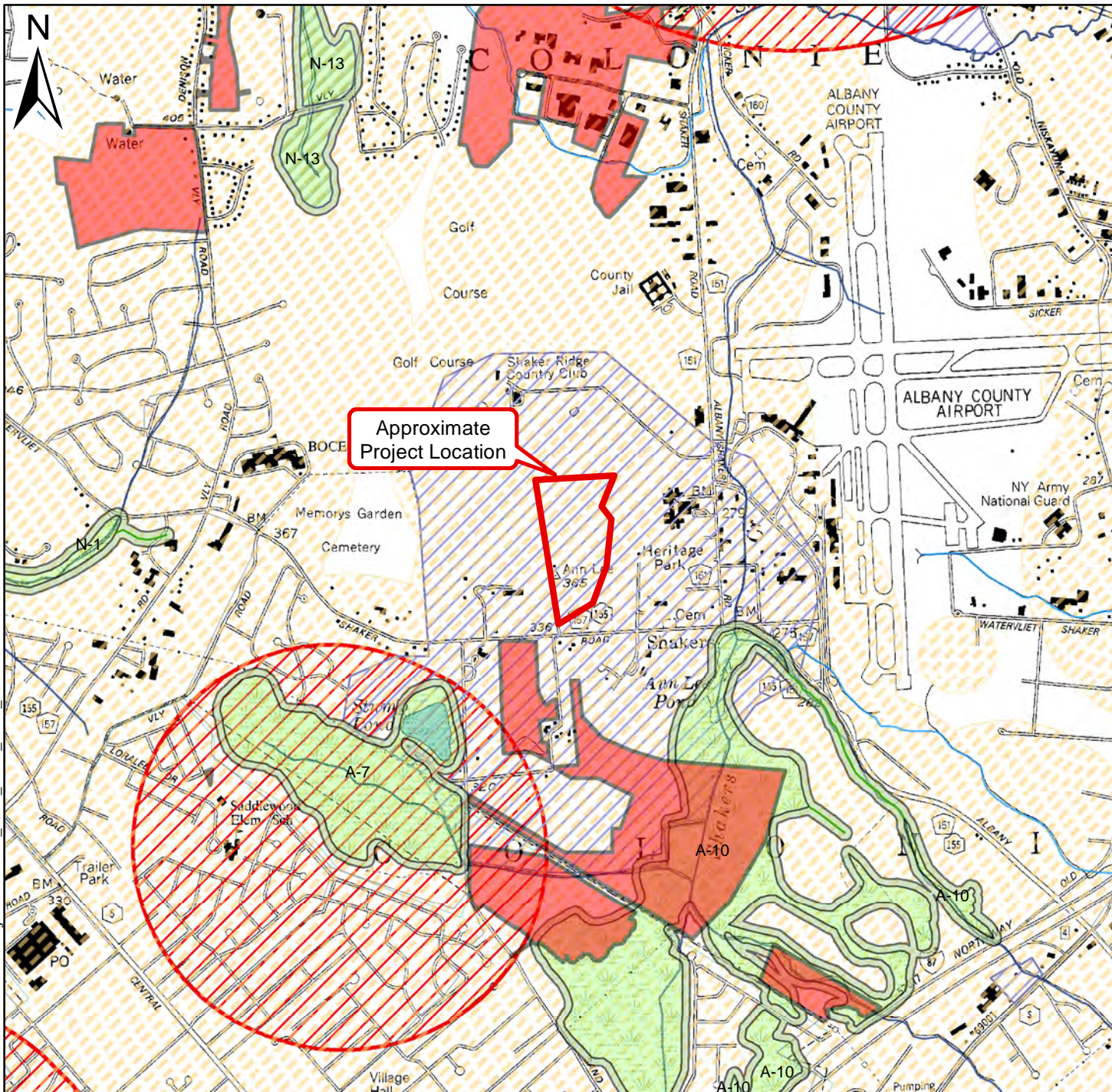


Patricia M. Gabriel
Environmental Analyst

Encl: NYS Resources Map

ecc: Laura DeGaetano, Albany County Planning
Sean Maguire, Town of Colonie





NYS RESOURCES MAP

ALBANY COUNTY PROPOSED SOLAR FARM (RADAR SITE) 897 Watervliet Shaker Road Town of Colonie Albany County

May 19, 2021

0 1,000 2,000 3,000 4,000 Feet

1 inch equals 2,000 feet

Legend

- Regulated Adjacent Area Boundary
- Freshwater Wetland Class 1
- Freshwater Wetland Class 2
- Freshwater Wetland Class 3
- Freshwater Wetland Class 4
- Freshwater Wetland Separation Line
- Freshwater Wetland (linear)
- Deed Restrictions
- Unprotected Streams
- Protected Streams
- Archeological Sensitivity
- National/State Historic Register Site
- Threatened or Endangered Mussels
- S1 or S2 Freshwater Mussels
- Not an EJ area
- Potential EJ area
- All E&T species, except fish
- E&T Freshwater Mussels
- E&T Fish
- Critical Environmental Areas



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Disclaimer: This map was prepared by Region 4 NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. 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.

DANIEL P. MCCOY
COUNTY EXECUTIVE



DANIEL C. LYNCH
DEPUTY COUNTY EXECUTIVE

COUNTY OF ALBANY
ECONOMIC DEVELOPMENT, CONSERVATION AND PLANNING
112 STATE STREET – ROOM 1310
ALBANY, NEW YORK 12207-2021
(518) 447-5670

May 4, 2021

Dear Interested/Involved Party:

The purpose of this letter is to initiate the review process in compliance with State Environmental Quality Review (SEQR) for a project to design and install a 3.21 megawatt solar farm on county-owned property at 897 Watervliet Shaker Rd. in the Town of Colonie.

The County has determined that:

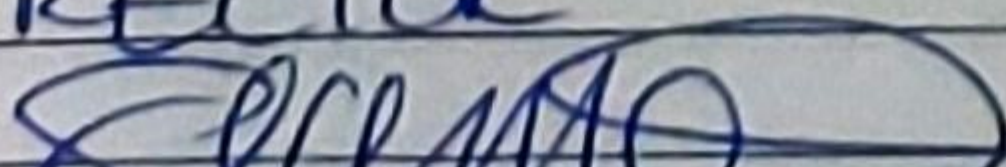
- The proposed action is subject to SEQR
- The action is classified as a Type I action pursuant to 6 NYCRR Part 617.4
- The action will involve multiple agencies for permits and approvals

Enclosed please find Part 1 of the Full Environmental Assessment Form for your review and consideration. At this time, we ask that you confirm your jurisdiction in this action and provide any preliminary feedback on issues of concern that you believe should be evaluated.

It is the intent of the Albany County Legislature to assume Lead Agency status under SEQR pursuant to 6 NYCRR Part 617.6. Please note your concurrence with the Lead Agency request by signing below. We ask that you respond by June 4, 2021 (30 days from the date of this letter) in compliance with the SEQR timeline.

Should you have any questions regarding this letter or the project in general, please contact Lucas Rogers at 447-7040.

I concur with the Lead Agency Request

Agency:	COLONIE PEDD
Name:	SEAN MAGUIRE
Title:	DIRECTOR
Signature:	



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COUNTY EXECUTIVE



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I concur with the Lead Agency Request

Agency:	ALBANY CO. DPW
Name :	LISA RAMUNDO
Title:	COMMISSIONER
Signature:	