

From: Metivier, Steven V CIV USARMY CELRB (US) (US) <Steven.V.Metivier@usace.army.mil>
To: Daniel Bennett, Graystone <graystonecms@aol.com>
Cc: berncarr <berncarr@tesenvironmental.com>
Subject: RE: [EXTERNAL] Fwd: Wetlands Delineation Report for 4575 North Rd, Canandaigua NY Solar PV Project
Date: Wed, Nov 9, 2016 12:14 pm
Attachments: Wetlands Report.pdf (4642K)

Dan,

Sorry for the delay. Assuming the wetland boundary is accurate, there would be no permit required from the Corps for a project that did not result in a discharge of dredged or fill material into the wetland or any other water of the US. Discharges could include any filling, grading or mechanized landclearing associated with the work.

TES indicates in their report that the delineation was performed in accordance with the Corps Delineation Manual and Supplement, which is the current protocol. I cannot confirm or deny the accuracy of the delineation itself, as it did not include data sheets and the rest of the necessary documentation. There is no requirement to have the delineation verified by the Corps, and if it is accurate, it would not be necessary to contact us further before commencing your project.

The risk you run is that the delineation is not accurate, and we choose to investigate the site for compliance purposes, you could incur a violation of Federal law if your project has resulted in a discharge of dredged or fill material into waters of the US.

If you would like us to verify the delineation, you would need to submit a request (hard copy) to our office so we could then schedule a site visit.

I hope this is helpful.

v/r,

Steve
Steven Metivier
Chief, NY Application Evaluation Section
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207
716-879-4314 (phone)
716-879-4310 (fax)
716-239-7167 (cell)

-----Original Message-----

From: Daniel Bennett, Graystone [<mailto:graystonecms@aol.com>]
Sent: Friday, October 21, 2016 12:23 PM
To: Metivier, Steven V LRB <Steven.V.Metivier@usace.army.mil>
Cc: berncarr@tesenvironmental.com
Subject: [EXTERNAL] Fwd: Wetlands Delineation Report for 4575 North Rd, Canandaigua NY

12/19/2016

Solar PV Project

Mr. Metivier,

This is follow up to a previous email sent to you regarding the avoidance of wetlands on the 4575 North Rd, Canandaigua site for the proposed solar PV project.

We had a meeting with the town last Tuesday and they told us that they are waiting for some correspondence from the USACE regarding the wetlands on the site before they will proceed with any action.

We had a delineation done by TES (see attached) where the original wetlands area was evaluated and found to be actually smaller than shown on the historic maps (east) but an emergent wetlands was found (west) and noted. We had a licensed surveyor survey and map the delineation.

We then redesigned the solar array layout to completely avoid the wetlands.

I think we have done everything correctly and the town is asking for some correspondence from the USACE on this.

I have also left you a voice mail message today.

I look forward hearing back from you or your department.

Thank you.

Daniel E. Bennett, LEED Accredited Professional*
NABCEP Certified Solar PV Installation Professional**
Graystone CMS - Clean Energy & Green Building Technologies
GCMS Inc.
P.O. Box 122
Skaneateles, NY 13152
Phone 315.685.1956 Fax 888.400.7608

*United States Green Building Council - Leadership in Energy and Environmental Design Accredited Professional

**The North American Board of Certified Energy Practitioners - Certified Solar Photovoltaic Installation Professional

"BUILDING A SUSTAINABLE FUTURE"

-----Original Message-----

From: Daniel Bennett, Graystone <graystonecms@aol.com>

To: steven.v.metivier <steven.v.metivier@usace.army.mil>

Cc: berncarr <berncarr@tesenvironmental.com>; tcbuhl <tcbuhl@verizon.net>; devclerk <devclerk@townofcanandaigua.org>

Sent: Sun, Oct 16, 2016 6:19 pm

Subject: Wetlands Delineation Report for 4575 North Rd, Canandaigua NY Solar PV Project

12/19/2016

Mr. Steven Metivier,
US. Army Corps of Engineers
1776 Niagara Street Buffalo, NY 14207

It was my understanding that the Town of Canandaigua was to submit the attached Wetlands Report directly to your office. If they have not, attached is a copy for your office's review and record.

We requested that TES delineate the boundaries of the wetlands on our proposed solar farm. After the wetland delineation was completed, we redesigned the solar farm to avoid all wetland areas. We are not proposing any disturbance to Corps regulated wetland areas. Furthermore, we plan to use good soil management practices and use erosion and sediment control measures when we construct the solar farm to avoid any impacts to wetlands.

Mr. Bernie Carr of TES has been in contact with Maggie Crawford about solar farm construction and the minimum disturbance of micro pile driven foundations (no auguring or excavation and no grading required) if minimally located within the wetlands area although this project is not located within the wetlands area.

This proposed solar farm at the 4575 North Rd. will be constructed outside the wetlands areas to avoid the wetlands and therefore a permit should not be required.

The Town of Canandaigua may ask for a letter or some documentation from your office to verify a wetlands disturbance permit will not be required.

Thank you,

Daniel E. Bennett, LEED Accredited Professional*
NABCEP Certified Solar PV Installation Professional**
Graystone CMS - Clean Energy & Green Building Technologies
GCMS Inc.
P.O. Box 122
Skaneateles, NY 13152
Phone 315.685.1956 Fax 888.400.7608

*United States Green Building Council - Leadership in Energy and Environmental Design Accredited Professional

**The North American Board of Certified Energy Practitioners - Certified Solar Photovoltaic Installation Professional

"BUILDING A SUSTAINABLE FUTURE"

12/19/2016