



**Surface Waters Jurisdictional Determination
April 19, 2021**

Pursuant to § 900-1.3(f)(2), ConnectGen, LLC provided the document entitled “Wetland and Stream Delineation Report, South Ripley Solar”, prepared by EDR and dated January 2021, as well as shapefiles dated January 28, 2021, for the South Ripley Solar Project located in Chautauqua 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 specific jurisdictional determinations for state regulated surface waters identified in the draft surface waters delineation report and shapefiles. The information provided in Attachment A will be necessary for developing Exhibit 13 (19 NYCRR §900-2.14) in support of an application to ORES 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.
ST-04	Perennial	Twentymile Creek	C(t)	E-96	Yes	Yes	2	
ST-04.2	Perennial	Twentymile Creek	C(t)	E-96	Yes	Yes	2	
ST-04.3	Perennial	Twentymile Creek	C(t)	E-96	Yes	Yes	2	
ST-04.1	Perennial	Twentymile Creek	C(t)	E-96	Yes	Yes	2	
ST-08.3	Perennial	Unnamed Tributary to Twentymile Creek	C(t)	Unmapped	Yes	No	1	
ST-02.4	Perennial	Unnamed Tributary to Twentymile Creek	C(t)	Unmapped	Yes	No	2	
ST-02.5	Perennial	Unnamed Tributary to Twentymile Creek	C(t)	Unmapped	Yes	No	2	
ST-08	Perennial	Unnamed Tributary to Twentymile Creek	C(t)	Unmapped	Yes	No	1	
ST-08.4	Perennial	Unnamed Tributary to Twentymile Creek	C(t)	Unmapped	Yes	No	1	
ST-20.3	Perennial	Unnamed Tributary to Twentymile Creek	C(t)	Unmapped	Yes	No	1	
ST-04.1	Perennial	Twentymile Creek	C(t)	E-96	Yes	Yes	2	
ST-55.1	Perennial	Unnamed Tributary to Twentymile Creek	C(t)	Unmapped	Yes	No	1	

ST-55	Perennial	Unnamed Tributary to Twentymile Creek	C(t)	Unmapped	Yes	No	1	
ST-78	Perennial	Twentymile Creek	C(t)	E-96	Yes	Yes	2	
¹ ID assigned by applicant in draft wetland delineation report. ² Perennial, intermittent, ephemeral.								