

**From:** [Kevin Jamieson](#)  
**To:** [Genevieve Trigg](#)  
**Cc:** [Daniel Farnan](#); [Elizabeth Myers](#); [Brian Maliszewski](#)  
**Subject:** FW: State wetlands clarification for CH# 8493 SEQR LA - VARANO SOLAR - GOSHEN - ORANGE COUNTY  
**Date:** Monday, March 23, 2020 1:56:48 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)

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Genevieve,

Please see the correspondence below from Michael Fraatz, the NYSDEC reviewing biologist.

Thanks,

Kevin

**Kevin Jamieson, PWS**

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**From:** Fraatz, Michael R (DEC) <Michael.Fraatz@dec.ny.gov>  
**Sent:** Monday, March 23, 2020 1:49 PM  
**To:** Kevin Jamieson <KJamieson@maserconsulting.com>  
**Subject:** RE: State wetlands clarification for CH# 8493 SEQR LA - VARANO SOLAR - GOSHEN - ORANGE COUNTY

Kevin,

As per your attachments, the wetlands located on the parcel in question should be considered eligible. Eligible wetlands that meet the regulatory criteria but are not shown on the regulatory maps should be afforded the same level of protection as the wetlands that are currently on the regulatory map. Wetlands provide functions and benefits to the people on New York State as outlined in Article 24. All development should be planned to avoid state regulated wetlands and the 100-foot Adjacent Areas to the maximum extent practicable. Unavoidable impacts must be minimized and mitigated to the maximum extent practicable.

Since the wetlands are eligible at this time, an Article 24 permit is not required for disturbance to the

wetland or 100' from the wetland. We do ask that any work be avoided and minimized to greatest extent possible. You should also contact the Army Corp. of Engineers and the local municipality to check on any other jurisdiction regarding the wetlands and what could be the floodway or floodplain. If there is work proposed in the wetland, you may need a 401 Water Quality Certification which can be applied through from our office. If you have any additional questions, please let me know. Thanks.

## Michael Fraatz

Biologist, Bureau of Ecosystem Health  
**Department of Environmental Conservation**  
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**From:** [Kevin Jamieson](#)

**Sent:** Wednesday, March 18, 2020 4:06 PM

**To:** [Fraatz, Michael R \(DEC\)](#)

**Subject:** State wetlands clarification for CH# 8493 SEQR LA - VARANO SOLAR - GOSHEN - ORANGE COUNTY

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Mike,

Thanks for speaking with me last week regarding the SEQR letter received from your office, with specific regard to State "eligible" wetlands. We would appreciate your reply confirming that the State "eligible" wetlands referenced in the letter as occurring on or near the project site are not considered to be New York State Wetlands and are not regulated by the NYSDEC pursuant to Article 24 of the NYS Environmental Conservation Law (i.e. NYS Wetlands Act).

Thank you,

Kevin

**Kevin Jamieson, PWS**

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