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April 12, 2023

ATTN: Board of Trustees
Village of Briarcliff Manor
1111 Pleasantville Road
Briarcliff Manor, NY 10510
Tel: (914) 944-2723

Wetlands Memo
Briarcliff Solar LLC

To whom it may concern,

I am writing this letter as the wetlands scientist who had walked the Briarcliff Solar site to investigate and delineate the site wetlands. After reviewing the latest Briarcliff Solar drawings dated April 4, 2023, I have determined that the proposed project will have no significant impact on the site's wetland habitats or locally-regulated wetland buffer areas.

My findings on site comply with the guidelines set forth by the U.S. Army Corps of Engineers detailed in their "Wetlands Delineation Manual" and the current version of their "Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region." As demonstrated by the attached credentials, I have a strong understanding of these guidelines and am experienced at applying them on numerous sites throughout central and eastern counties of New York State.

There are no NYS DEC-regulated wetlands or wetlands adjacent areas onsite. (See attached DEC Determination of Jurisdiction). There are Federal wetlands on the property as depicted in the attached delineation, which are regulated by the U.S. Army Corps of Engineers. There are locally-regulated Village wetlands and wetland buffer areas onsite, as depicted in the attached delineation.

A subset of the posts for the security fence around the proposed solar farm are within 80 ft of Sparta Brook, which is a locally-regulated wetland under the Village's Wetland Code and, as such, those posts are to be installed within the locally-regulated adjacent western watercourse buffer area of that wetland. The Federal government does not require a setback for this stream type and therefore no review or approval from the U.S. Army Corps of Engineers is required for the proposed security fence. The total loss of buffer area resulting from the installation of the posts for the security fence that are within the Village buffer area is approximately 10.2 sq. ft. Given the distance of the post line from Sparta Brook and the minimal area impacted by the post emplacement, the installation of the security fence will have no direct development impacts or present any long term disturbance to the adjacent western watercourse buffer.

I have reviewed the DTS consultant comment memo dated March 23, 2023, regarding the review of SEQR Part 2-3, Impacts on Surface Water, and recommend that these comments be revised. Below are my comment responses which indicate that the project will have no impact on the wetlands providing the approved project SWPPP is adhered.

Tree removal outside of the fenced area will be minimal. It is proposed that 1,822 trees will be removed and of these, five trees will be removed from within the locally-regulated wetland buffer area, with those stumps remaining *in situ* within the buffer zone. No trees will be removed from within the federal wetland. To mitigate some of the impacts of tree removals, Briarcliff Solar has proposed a stump retention management practice to minimize soil disturbance and tree removal in wetland buffers. By retaining stumps in place, the root systems of adjacent trees can remain intact, reducing soil erosion and supporting nutrient cycling.

Sincerely,

/s/ *James A. Bates*

James A. Bates, CPESC, CPSWQ

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