



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers, ATTN: GENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington St., Building 10, 3rd Fl. North
Watervliet, New York 12189-4000

July 14, 2020

Upstate New York Section

SUBJECT: Permit Application No. NAN-2020-00411-UDA
By Borego Solar, Town of New Scotland, Albany County, New York

Attn: ReJean DeVaux
Borrego Solar Systems, Inc.
55 Technology Drive Suite 102
Lowell MA 01851

Dear Mr. DeVaux:

This office has reviewed your request for Department of the Army authorization dated April 22, 2020, and the drawings received by this office on June 29, 2020, entitled "Site Use Permit Set, Altamont Road, New Scotland NY 12180, 5,000 KWAC STC Rated Solar Electric System", Sheets T-1 & C-1 through C-5, last revised on March 16, 2020, and prepared by PV Engineers, P.C. The submitted information describes a proposal that would consist of the following:

The construction of a 5.00 KWAC STC rated solar electric system and attendant features. None of the work associated with the construction of the electric system, nor any of the other activities described in the above referenced drawings would be conducted within a manner that is within the jurisdiction of this office, and/or is not a regulated activity under the jurisdiction of this office.

Based solely on a review of the information provided, it appears that a Department of the Army permit, in accordance with 33 CFR 320-332, will not be required for your proposal. Care should be taken so that any fill or other construction materials, including debris, do not enter any waterbody or wetland to become a drift or pollution hazard.

The Department of the Army regulates construction activities in and over navigable waterways and discharges of dredged or fill material into waters of the United States, including intermittent and perennial streams and coastal and inland wetlands regardless of their size. If your proposal would involve such work, and has not been portrayed as such in the drawing you provided, you should contact this office immediately so that a project-specific determination can be made as to whether a Department of the Army permit will be required.

Please note that this determination does not eliminate the need to obtain any other Federal, State, or local authorizations required by law for the above-described work, including any required permit from the NYSDEC.

PLEASE USE THE ABOVE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

Any inquiries can be directed to the undersigned at (518) 266-6356.

Sincerely,

Andrew C. Dangler

Andrew Dangler
Project Manager
Upstate New York Section

Cf:

Town of New Scotland
T. Gabriel – NYSDEC - Region 4, Schenectady
M. McGlynn – Shumaker Consulting, D.P.C.