



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
**BUFFALO DISTRICT, CORPS OF ENGINEERS**  
**1776 NIAGARA STREET**  
**BUFFALO, NEW YORK 14207-3199**

June 23, 2017

Regulatory Branch

SUBJECT: Determination of No Permit Required, Department of Army Application No. 2017-00471

SUN8, PDC, LLC  
c/o Distributed Sun  
601 13th Street NW  
Suite 450 South  
Washington, DC 20005  
Attn: Chet Feldmann

Dear Mr. Feldmann:

This pertains to your proposal to construct three separate solar array layouts in an area identified as the "Ellis Tract" located adjacent to Stevenson Road between Turkey Hill Road and Game Farm Road, Town of Dryden, Tompkins County, New York.

Under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), a permit is required for any structure or work that takes placed in, under, or over a navigable water, or wetlands adjacent to navigable waters of the United States (WOUS). Under Section 404 of the Clean Water Act (CWA), the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material into WOUS, including wetlands. Certain types of excavation activities are defined as discharges of dredged material when they occur in WOUS. For instance, land clearing using mechanized equipment, ditching, channelization and other types of excavation when performed in such waters, including wetlands, would likely be regulated under Section 404 of the CWA.

I have reviewed the information which accompanied your application and have determined that a Department of the Army (DA) permit is not required. Should you modify your proposal to entail work in navigable waters or a discharge of dredged or fill material into a WOUS you must contact this office regarding DA permit requirements. Although a permit is not required, we request that proper measures be taken to prevent unintentional discharges from entering the waterway.

You are encouraged to contact the appropriate state and local governmental officials to ensure that the proposed work complies with their requirements.

A copy of this letter has been sent to Patrick Green, Tetra Tech.

Regulatory Branch

SUBJECT: Determination of No Permit Required, Department of Army Application No. 2017-00471

Please note that the original request for a jurisdictional determination for wetlands and waters identified during the delineation was withdrawn as requested by Mr. Green.

Questions pertaining to this matter should be directed to me at 716-879-6330, by writing to the following address: U.S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021, or by e-mail at: [judy.a.robinson@usace.army.mil](mailto:judy.a.robinson@usace.army.mil).

Sincerely,

Judy A. Robinson  
Biologist