

**APPENDIX 3:**  
**USACE LETTER CONFIRMING NO JURISDICTION**



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS  
696 VIRGINIA ROAD  
CONCORD, MASSACHUSETTS 01742-2751

February 5, 2019

Regulatory Division  
CENAE-R-PEC  
Corps File No. **NAE-2019-00358**

Richard Jordan  
TRC  
6 Ashley Drive  
1<sup>st</sup> Floor  
Scarborough, Maine 04074


Dear Applicant

This is to inform you that we have reviewed your request to construct solar arrays, conduct road improvements, and build a wetland/stream crossing off of Fullam Hill Road in Fitzwilliam, New Hampshire as described within your letter dated February 4, 2019 and on the plan entitled "Chinook Solar Project" dated "2/4/19".

Based on the information provided, we have determined that a Department of the Army permit is not required for the work described above. Corps of Engineers regulatory jurisdiction encompasses all work in or affecting navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 and the discharge of dredged or fill material into all waters of the United States, including adjacent wetlands, under Section 404 of the Clean Water Act.

If you have questions concerning this, please contact us at 1-800-343-4789 or, if calling from within Massachusetts, at 1-800-362-4367.

Sincerely,

  
Frank J. DelGiudice  
Chief, Permits & Enforcement Branch  
Regulatory Division



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February 4, 2019

Rick Kristoff, Jr. – Project Manager  
U.S. Army Corps of Engineers  
New England District, Regulatory Division  
696 Virginia Road  
Concord, MA 01742  
*Sent Via Email:* Richard.C.Kristoff@usace.army.mil

**RE: Chinook Solar Project – Confirmation of No Federal Jurisdiction for Permitting**

Dear Rick:

Thank you for meeting with Kara Moody and I on January 8, 2019 to discuss, in general terms, large-scale solar projects in New England. Additionally, I appreciate your specific feedback pertaining to the wetland impact avoidance proposed at the Chinook Solar Project (Project) to be located in Fitzwilliam, New Hampshire. The attached draft version of the site plan shows all planned project components, including roads, solar arrays and other necessary infrastructure.

The Project has been designed to avoid wetland impacts. The Project will be constructed across approximately 156 acres and has only one crossing of an intermittent stream segment and associated wetland. The wetland and stream will be spanned with a new bridge. Bridge abutments will be installed outside of the wetland and there will be no fill placed in the wetland or stream.

The Project is located on active timber lands, and the area has been harvested several times over the last several decades. Historic aerial photographs, dating back to 1952, show evidence of logging and associated gravel roads installed throughout the Project area. Some of the numerous logging roads will be re-used (improved as necessary) for Project access. A few of the roads to be re-used were originally constructed through wetlands. Based on historic aerial photos, it appears these roads were installed before 1970, prior to enactment of the Clean Water Act (CWA). Although existing roads through wetlands may be improved for the Project (e.g. additional gravel or improved drainage or erosion/stormwater control devices may be added), there will be no fill placed beyond the existing road footprints.

As we discussed, and based on the information herein, I am writing to request confirmation that the Project will not require a federal permit under Section 404 of the CWA. For your information,

Chinook Solar Project – Confirmation of No Federal Jurisdiction for Permitting  
February 4, 2019

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the Project is anticipating applying for an Alteration of Terrain Permit from the New Hampshire Department of Environmental Services and a Certificate of Site and Facility from the New Hampshire Site Evaluation Committee.

Thank you for your review of this matter, and please let me know if you have any questions. I look forward to working with you on future projects in New England.

Respectfully submitted,



Richard Jordan (PWS/CPESC) – TRC Renewables Project Lead  
[rjordan@trcsolutions.com](mailto:rjordan@trcsolutions.com)  
207-317-3583

Attachment (1)

cc: Kara Moody, Neil Watlington, Jon Gravel

