

# DRAFT ENVIRONMENTAL IMPACT STATEMENT

*for*

## PARKER ROAD RESIDENTIAL SUBDIVISION

Town of Hamburg, Erie County, New York

Volume 1 OF 3 (Appendices 1-3)

*Prepared For:*

**Parker Road Developers, LLC**

*Prepared By:*

**Greenman – Pedersen, Inc.**

APPLICANT:	<b>Parker Road Developers, LLC</b> David Manko 4534 Clinton Street, Building – Suite 4 West Seneca, NY 14224
CONSULTING ENGINEERS:	<b>Greenman – Pedersen, Inc.</b> 4950 Genesee Street, Suite 100 Buffalo, NY 14225
LEGAL REPRESENTATION:	<b>Sean Hopkins, Esq.</b> Hopkins, Sorgi & McCarthy, PLLC 5500 Main Street, Suite 343 Williamsville, NY 14221
ARCHAEOLOGISTS:	<b>Douglas J. Perrelli, Ph.D., RPA</b> Department of Anthropology University at Buffalo
WETLANDS ECOLOGISTS:	<b>Wetlands Investigation Co.</b> 503 Maynard Drive Amherst, NY 14226

APPENDIX 1:  
SEQRA EAF



**NOTICE**  
**SEQR: LEAD AGENCY DESIGNATION**  
**TOWN OF HAMBURG PLANNING BOARD**

**Date:** January 11, 2021

**This notice has been prepared pursuant to 6 NYCRR Part 617 6 NYCRR and Article 8 of the NYS Environmental Conservation Law (collectively "SEQR")**

**The Town of Hamburg Planning Board has received a complete Site Plan Application from:**

**Name:** David Manko c/o Sean Hopkins, Esq.  
Hopkins Sorgi & McCarthy PLLC  
5500 Main Street, Suite 343  
Williamsville, New York 14221  
Tel: (716) 510-4338  
E-mail: shopkins@hsr-legal.com

**Contact Person:** Sarah desJardins, Town of Hamburg Planning Department

**Phone:** 649-2023

**Regarding:** Request for Preliminary Plat Approval for a proposed 69 lot residential subdivision (67 lots for homes and 2 lots for stormwater management) at 4825 Big Tree Road in Town of Hamburg. The proposed project consists residential lots for sale for detached single-family homes.

**Description &**

**Location of Action:** The proposed project ("action") consists of a 69 lot residential subdivision [67 lots for homes] lots to be located on approximately 35.3 acres of the parcel at 4845 Big Tree Road in the Town of Hamburg ("Project Site"). The layout of the residential subdivision is depicted on the Preliminary Plat Plan [Drawing C-100] prepared by Carmina Wood Morris DPC. The portion of Project Site to be developed as a residential subdivision is properly zoned R-3 pursuant to the Town of Hamburg Zoning Map. The proposed action has been defined broadly to include all required discretionary approvals and permits including but not limited to preliminary plat approval from the Town of Hamburg Planning Board as well as all proposed site improvements including proposed detached single family homes, public roadways, curb cuts on Parker Road, residential driveways, lighting, a storm water management system, and all required utility improvements. The project purpose is to develop the Project Site as a residential subdivision consisting of detached single-family homes on individual lots per the existing R-3 zoning classification. The proposed residential project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQR") since none of the impacts cross any of the thresholds for a Type I action contained in 6 NYCRR Part 617.4.

**As the most local agency with permitting authority, the Town of Hamburg Planning Board wishes to declare itself Lead Agency for the purpose of conducting a coordinated environmental review of the proposed project pursuant to SEQR.**

Other potential permitting agencies identified are:

(check each)

☐ Town Board  
☒ Planning Board  
☐ Zoning Board of Appeals  
☒ Highway Department, Superintendent  
☐ Building Department, Building Inspector  
☒ Water District (Erie County Water Authority)  
☒ Sewer District (Erie County Division of Sewerage Management)  
☐ Erie County Department of Public Works  
☒ Erie County Department of Health  
☒ N.Y.S. Department of Environmental Conservation  
☐ N.Y.S. Department of Transportation  
☐ State Department of Health  
☐ U.S. Army Corps of Engineers  
☒ Erie County Department of Environment and Planning (2 copies)  
☐ Other: \_\_\_\_\_

Other interested agencies may be:

☐ County Planning Board  
☐ School District  
☒ Fire Company  
☐ Others (Federal, State, County): \_\_\_\_\_

A preliminary review of the proposed action indicates that it is a SEQR Type:

☒ Unlisted Action  
☐ Type I Action (justification)

The attached Preliminary Plat Application which includes a completed Part 1 of the Full Environmental Assessment Form dated January 5, 2021 attached as Exhibit "A" along with a full size copy of the Preliminary Plat Plan [Drawing C-100] prepared by Carmina Wood Morris DPC has been filed with the Town of Hamburg by the Applicant.

Please notify us within thirty (30) days (by February 11, 2021) if your agency objects to the Town of Hamburg Planning Board acting as the lead agency for a coordinated environmental review of the proposed project pursuant to SEQR. Otherwise, we will proceed with our review and issuance of a determination of significance. Any information or concerns should be mailed to the below address. If no response is received by February 11, 2021, we will assume your agency has no specific concerns about the proposed action.

For further information please contact:

Sarah K. desJardins  
Town of Hamburg Planning Department  
6100 South Park Avenue  
Hamburg, New York 14075  
Tel: 649-2023  
E-mail: sdesjardins@townofhamburgny.com

**TOWN OF HAMBURG PLANNING DEPARTMENT  
MAJOR SUBDIVISION INFORMATION SHEET**

Preliminary Plat Application Proposed  
Residential Subdivision 4825 Big Tree  
Road - Town of Hamburg - Applicant:  
Dave Manko c/o Sean Hopkins, Esq.,  
5500 Main St., Suite 343 - Williamsville,  
NY 14221 [Tel: 510-4338]

Subdivision Name: Parker Road Subdivision

Location: 4825 Big Tree Road SBL# 160.20-2-2.1

Township: Hamburg Range: \_\_\_\_\_ Farm Lot \_\_\_\_\_

Type of Development: Residential Subdivision

Developer Name: Dave Manko c/o Sean Hopkins, Esq. Engineer: Christopher Wood, P.E.

Address: 5500 Main Street, Suite 343 Address: 487 Main Street, Suite 600  
Williamsville, NY 14221 Buffalo, NY 14203

Phone: 510-4338

Phone: 842-3165 [Ext. 103] - E-mail: cwood@cwm-ae.com

Zoning: R-3 and C-1

Subdivision Acreage: 35.3

School District: Frontier

Fire District: Armor

Sewer District: ECSD No. 3

Water District: ECWA Consolidated Water District

Type, Size and Ownership of Recreation Area: \_\_\_\_\_

Green space on individual lots to be maintenance by the owners of the homes.

Homeowners' Association: Yes \_\_\_\_\_ No \_\_\_\_\_

Wetland/Floodplain Involvement: No wetland impacts proposed.

SEQRA: Unlisted X Type I \_\_\_\_\_ CEA: Yes or No [No]

Special Features/Other Information: Attach as necessary

A completed Part 1 of the Full Environmental Assessment Form with Attachments 1, 2 and 3 prepared pursuant to the State Environmental Quality Review Act is provided at Exhibit "A".

Will the project involve the formation of a "condominium"? Yes \_\_\_\_\_ No X

\*\*\*Note: Condominiums in accordance with the Town's Zoning Law are only allowed in the R-3 zoning district. By application for subdivision or site plan approval, the applicant hereby waives the benefit of RPTL Section 339-Y and 581.

Sean Hopkins

Signature of applicant



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**Exhibit A – Part 1 of Full Environmental  
Assessment Form Prepared Pursuant to the  
State Environmental Quality Review Act with  
Attachments “1”, “2” and “3”**

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**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Prepared By: Sean Hopkins, Esq.  
Hopkins Sorgi & McCarthy PLLC  
5500 Main Street, Suite 343  
Tel: 716.510-4338  
E-mail: shopkins@hsr-legal.com**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

<b>Name of Action or Project:</b> Proposed Residential Subdivision		
<b>Project Location (describe, and attach a general location map):</b> 4825 Big Tree Road [SBL No. 160.20-2-2.1] - Town of Hamburg - Erie County		
<b>Brief Description of Proposed Action (include purpose or need):</b> The proposed project ("action") consists of a 69 lot residential subdivision [67 lots for homes] lots to be located on approximately 35.3 acres of the parcel at 4845 Big Tree Road in the Town of Hamburg ("Project Site"). The layout of the residential subdivision is depicted on the Preliminary Plat Plan [Drawing C-100] provided at Attachment "1". The portion of Project Site to be developed as a residential subdivision is properly zoned R-3 pursuant to the Town of Hamburg Zoning Map. The proposed action has been defined broadly to include all required discretionary approvals and permits including but not limited to preliminary plat approval from the Town of Hamburg Planning Board as well as all proposed site improvements including proposed detached single family homes, public roadways, curb cuts on Parker Road, residential driveways, lighting, a storm water management system, and all required utility improvements. The project purpose is to develop the Project Site as a residential subdivision consisting of detached single-family homes on individual lots per the existing R-3 zoning classification. The action will not result in any potentially significant adverse environmental impacts and as such the issuance of a negative declaration by the lead agency (anticipated to be the Planning Board) is both appropriate and justified.		
<b>Name of Applicant/Sponsor:</b> David Manko c/o Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC		<b>Telephone:</b> 716.510-4338 <b>E-Mail:</b> shopkins@hsr-legal.com
<b>Address:</b> 5500 Main Street, Suite 343		
<b>City/PO:</b> Williamsville	<b>State:</b> NY	<b>Zip Code:</b> 14221
<b>Project Contact (if not same as sponsor; give name and title/role):</b>		<b>Telephone:</b> <b>E-Mail:</b>
<b>Address:</b>		
<b>City/PO:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>Property Owner (if not same as sponsor):</b> Parker Road Developers LLC		<b>Telephone:</b> <b>E-Mail:</b>
<b>Address:</b> 4534 Clinton Street, Building 1 - Suite 2		
<b>City/PO:</b> West Seneca	<b>State:</b> NY	<b>Zip Code:</b> 14224

**B. Government Approvals****B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Dedication of Public Roadway and infrastructure	To be determined
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board - Preliminary Plat and Final Plat Approval	January 5, 2021
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Department - Building permits	To be determined
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ECWA - Water; ECHD - Sanitary sewer and water; ECDSM - DSCA	To be determined
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - SPDES and DSCA Approval	To be determined
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning****C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

[Note: The proposed action will not result in any adverse impacts to the West Erie Canal Corridor NYS Heritage Area.]

If Yes, identify the plan(s):  
NYS Heritage Areas: West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

### C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

The Project Site is zoned R-3 and C-1 pursuant to the Town of Hamburg Zoning Map. All of the detached single-family homes will be constructed on the portion of the Project Site zoned R-3. The zoning boundary is depicted on the Preliminary Plat Plan provided at Attachment "1".

- b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

- c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No  
If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

- a. In what school district is the project site located? Frontier School District

- b. What police or other public protection forces serve the project site?  
Town of Hamburg Police Department

- c. Which fire protection and emergency medical services serve the project site?  
Armor

- d. What parks serve the project site?  
There are various parks in the Town of Hamburg that will be accessible to the future owners of lots within the residential subdivision.

### D. Project Details

#### D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential subdivision consisting of detached single-family homes on individual lots.

- b. a. Total acreage of the site of the proposed action? 35.3 acres  
b. Total acreage to be physically disturbed? 30 +/- acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 35.3 acres

- c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

- d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No

If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
Residential subdivision.

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

iii. Number of lots proposed? 69 [There be will be 67 lots for single-family home and 2 lots for stormwater management facilities.]

iv. Minimum and maximum proposed lot sizes? Minimum 15,000 sf Maximum 30,892 sf

- e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

- i. If No, anticipated period of construction: \_\_\_\_\_ months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



f. Does the project include new residential uses? ☒ Yes ☐ No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	67			
At completion of all phases	67			

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No

If Yes,

- i. Total number of structures \_\_\_\_\_
- ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length
- iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☒ Yes ☐ No

If Yes,

- i. Purpose of the impoundment: storm water management
- ii. If a water impoundment, the principal source of the water: ☒ Ground water ☐ Surface water streams ☐ Other specify: \_\_\_\_\_  
Runoff from roadways, lawns, roofs
- iii. If other than water, identify the type of impounded/contained liquids and their source.  
Not Applicable.
- iv. Approximate size of the proposed impoundment. Volume: TBD million gallons; surface area: \_\_\_\_\_ acres
- v. Dimensions of the proposed dam or impounding structure: N/A height; \_\_\_\_\_ length
- vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_  
Impoundment is an excavation comprised of earth fill and does not constitute a dam.

## D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No  
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

- i. What is the purpose of the excavation or dredging? \_\_\_\_\_
- ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): \_\_\_\_\_
  - Over what duration of time? \_\_\_\_\_
- iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No  
If yes, describe. \_\_\_\_\_

v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No

If Yes:

- i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_



ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: 29,480 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No

If Yes:

- Name of district or service area: ECWA
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☒ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
new public water mains will be installed along the new public roadways
- Source(s) of supply for the district: ECWA

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_  
Not applicable.

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: N/A gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: 29,480 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: Southtowns Advanced WWTP
- Name of district: ECSD No. 3
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul> <p>New public sewer mains will be installed along the new public roadways. _____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul> <p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____</p> <p>Not applicable. _____</p> <p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>Not applicable. _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or <u>7.1</u> acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or <u>35.3</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. roadways, driveways, roofs _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____</p> <p>Storm water will be directed to on-site storm water management areas. The north area will discharge to the ditch that runs through the site and flows off-site to the west. The south area will discharge to a ditch which also flows off-site to the west.</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p> <p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Not Applicable. <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7:00 a.m. to 7:00 p.m.</li> <li>• Saturday: _____ 7:00 a.m. to 5:00 p.m.</li> <li>• Sunday: _____ As needed.</li> <li>• Holidays: _____ As needed.</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ Not Applicable</li> <li>• Saturday: _____ Not Applicable</li> <li>• Sunday: _____ Not Applicable</li> <li>• Holidays: _____ Not Applicable</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7:00 a.m. to 7:00 p.m.</li> <li>• Saturday: _____ 7:00 a.m. to 5:00 p.m.</li> <li>• Sunday: _____ As needed.</li> <li>• Holidays: _____ As needed.</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ Not Applicable</li> <li>• Saturday: _____ Not Applicable</li> <li>• Sunday: _____ Not Applicable</li> <li>• Holidays: _____ Not Applicable</li> </ul>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;"><u>Construction activities will result in temporary unavoidable noise impacts during day time hours resulting from the use of construction equipment and vehicles.</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>n. Will the proposed action have outdoor lighting?</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p style="margin-left: 20px;"><u>Lighting will comply with the Town of Hamburg lighting standards for a residential subdivision with public roadways.</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day?</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>ii. Will the proposed action use Integrated Pest Management Practices?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <u>Not Applicable.</u></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

## E. Site and Setting of Proposed Action

### E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)  
☒ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Community Facilities - Erie County Community College

ii. If mix of uses, generally describe:

Commercial uses along Big Tree Road and Southwestern Boulevard and residential and community facilities uses on Parker Road.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	7.1	+7.1
• Forested	4.3	3.3	-1.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	29.993	0	-29.993
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.3	0.3	0
• Wetlands (freshwater or tidal) [Federal wetlands]	0.707	0.644	-0.063
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Lawns for residential lots.</u>	0	23.956	+23.956

c. Is the project site presently used by members of the community for public recreation? ☒ Yes ☐ No  
i. If Yes; explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☒ Yes ☐ No  
If Yes,  
i. Identify Facilities:  
Erie Community College Campus. \_\_\_\_\_

e. Does the project site contain an existing dam? ☐ Yes ☒ No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No  
If Yes:  
i. Has the facility been formally closed? ☐ Yes ☐ No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No  
☐ Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
☐ Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_



v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ > 5 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Niagara silt loam	41 %
Ilion silt loam	24 %
Darien silt loam	35 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ > 3 feet

e. Drainage status of project site soils: ☐ Well Drained: \_\_\_\_\_ % of site  
☐ Moderately Well Drained: \_\_\_\_\_ % of site  
☐ Poorly Drained: \_\_\_\_\_ 100 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: \_\_\_\_\_ 100 % of site  
☐ 10-15%: \_\_\_\_\_ % of site  
☐ 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No  
If Yes, describe: \_\_\_\_\_

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h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name	837-235	Classification	C
• Lakes or Ponds:	Name		Classification	
• Wetlands:	Name	Federal Waters, Federal Waters, Federal Waters,...	Approximate Size	0.64 acres [federal]
• Wetland No. (if regulated by DEC)				

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☒ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
Name - Pollutants - Uses: Rush Creek and tribs - Pathogens; Nutrients - Recreation; Public Bathing; Aquatic Life

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i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No  
If Yes:  
i. Name of aquifer: \_\_\_\_\_

[Note: There is one wetland on the Project Site subject to federal jurisdiction with a size of 0.64 acres per the Wetland Delineation Report prepared by Erik Krull of Wetlands Investigation Co. dated September of 2020. A copy of the wetland delineation map is provided at Attachment "2" of this Part 1 of the Full EAF.]

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">typical suburban wildlife including:</td> <td style="width: 30%;">Deer</td> <td style="width: 30%;">Skunks</td> </tr> <tr> <td>Squirrels</td> <td>Birds</td> <td></td> </tr> </table>		typical suburban wildlife including:	Deer	Skunks	Squirrels	Birds	
typical suburban wildlife including:	Deer	Skunks					
Squirrels	Birds						
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>							
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>							
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Species and listing: _____</p> <p>_____</p> <p>_____</p>							
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>							
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>							
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>							
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>							
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>							
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>							



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☒ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No Copy of No Impact Letter of SHPO dated 10/09/20 provided at Attachment "B"

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☒ No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

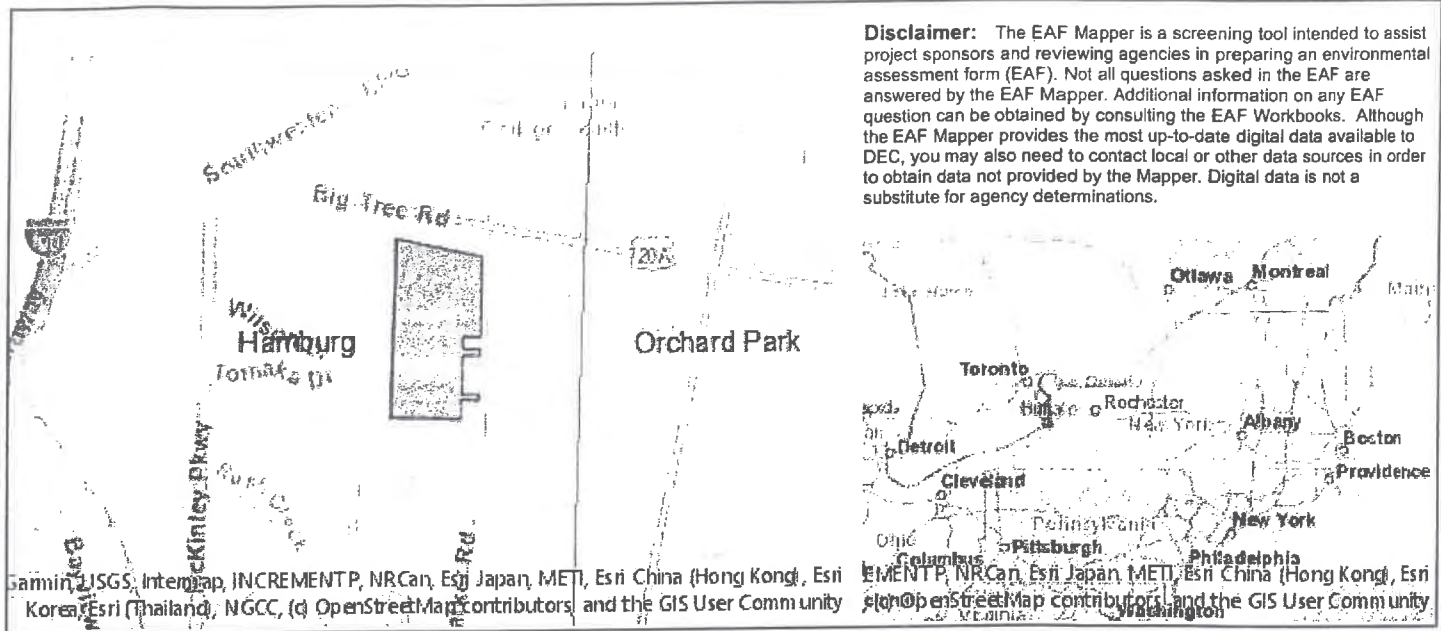
Applicant/Sponsor Name David Manko

Date January 5, 2021

Signature Sean Hopkins

Title Attorney for Project Sponsor

**PRINT FORM**



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.1.i [Coastal or Waterfront Area]

No

B.1.ii [Local Waterfront Revitalization Area]

Yes

C.2.b. [Special Planning District]

Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.

C.2.b. [Special Planning District - Name]

NYS Heritage Areas: West Erie Canal Corridor

E.1.h [DEC Spills or Remediation Site - Potential Contamination History]

Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.1.h.i [DEC Spills or Remediation Site - Listed]

Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]

Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.1.h.iii [Within 2,000' of DEC Remediation Site]

No

E.2.g [Unique Geologic Features]

No

E.2.h.i [Surface Water Features]

Yes

E.2.h.ii [Surface Water Features]

Yes

E.2.h.iii [Surface Water Features]

Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.

E.2.h.iv [Surface Water Features - Stream Name]

837-235

E.2.h.iv [Surface Water Features - Stream Classification]

C

E.2.h.iv [Surface Water Features - Wetlands Name]

Federal Waters

E.2.h.v [Impaired Water Bodies]

Yes

E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]

Name - Pollutants - Uses: Rush Creek and tribs - Pathogens; Nutrients - Recreation; Public Bathing; Aquatic Life

E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

	Agency Use Only [If applicable]
Project :	Manko
Date :	May 2021

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☒ YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>



1. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>



<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

☐ NO☒ YES

(See Part 1. D.2.j)

*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

☐ NO☒ YES

(See Part 1. D.2.k)

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☒ NO☐ YES

(See Part 1. D.2.m., n., and o.)

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			



**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

☐ NO☒ YES

*If "Yes", answer questions a - h. If "No", go to Section 18.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

☐ NO☐ YES

*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX 2:  
POSITIVE DECLARATION

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Proposed Residential Subdivision		
Project Location (describe, and attach a general location map): 4825 Big Tree Road [SBL No. 160.20-2-2.1] - Town of Hamburg - Erie County		
Brief Description of Proposed Action (include purpose or need): The proposed project ("action") consists of a 69 lot residential subdivision [67 lots for homes] lots to be located on approximately 35.3 acres of the parcel at 4845 Big Tree Road in the Town of Hamburg ("Project Site"). The layout of the residential subdivision is depicted on the Preliminary Plat Plan [Drawing C-100] provided at Attachment "1". The portion of Project Site to be developed as a residential subdivision is properly zoned R-3 pursuant to the Town of Hamburg Zoning Map. The proposed action has been defined broadly to include all required discretionary approvals and permits including but not limited to preliminary plat approval from the Town of Hamburg Planning Board as well as all proposed site improvements including proposed detached single family homes, public roadways, curb cuts on Parker Road, residential driveways, lighting, a storm water management system, and all required utility improvements. The project purpose is to develop the Project Site as a residential subdivision consisting of detached single-family homes on individual lots per the existing R-3 zoning classification. The action will not result in any potentially significant adverse environmental impacts and as such the issuance of a negative declaration by the lead agency (anticipated to be the Planning Board) is both appropriate and justified.		
Name of Applicant/Sponsor: David Manko c/o Sean Hopkins, Esq., Hopkins Sorgi & McCarthy PLLC	Telephone: 716.510-4338 E-Mail: shopkins@hsr-legal.com	
Address: 5500 Main Street, Suite 343		
City/PO: Williamsville	State: NY	Zip Code: 14221
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Parker Road Developers LLC	Telephone:	
	E-Mail:	
Address: 4534 Clinton Street, Building 1 - Suite 4		
City/PO: West Seneca	State: NY	Zip Code: 14224

## B. Government Approvals

**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Dedication of Public Roadway and Infrastructure	To be determined
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Preliminary Plat and Final Plat Approval	January 5, 2021
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Department - Building permits	To be determined
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ECWA - Water; ECHD - Sanitary sewer and water; ECDSM - DSCA	To be determined
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - SPDES and DSCA Approval	To be determined
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

### i. Coastal Resources.

- i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐ Yes ☒ No
- ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☒ Yes ☐ No
- iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No

## C. Planning and Zoning

### C.1. Planning and zoning actions.

- Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No
- If Yes, complete sections C, F and G.
  - If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

- a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No
- If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No
- b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No
- [Note: The proposed action will not result in any adverse impacts to the West Erie Canal Corridor NYS Heritage Area.]
- If Yes, identify the plan(s):  
NYS Heritage Areas: West Erie Canal Corridor
- c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No
- If Yes, identify the plan(s):



a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
The Project Site is zoned R-3 and C-1 pursuant to the Town of Hamburg Zoning Map. All of the detached single-family homes will be constructed on the portion of the Project Site zoned R-3. The zoning boundary is depicted on the Preliminary Plat Plan provided at Attachment "1".

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Frontier School District

b. What police or other public protection forces serve the project site?  
Town of Hamburg Police Department

c. Which fire protection and emergency medical services serve the project site?  
Armor

d. What parks serve the project site?  
There are various parks in the Town of Hamburg that will be accessible to the future owners of lots within the residential subdivision.

#### D. Project Details

##### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential subdivision consisting of detached single-family homes on individual lots.

b. a. Total acreage of the site of the proposed action? 35.3 acres  
 b. Total acreage to be physically disturbed? 30 +/- acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 35.3 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
Residential subdivision.  
 ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No  
 iii. Number of lots proposed? 69 [There be will be 67 lots for single-family home and 2 lots for stormwater management facilities.]  
 iv. Minimum and maximum proposed lot sizes? Minimum 15,000 sf Maximum 30,892 sf

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No  
 i. If No, anticipated period of construction: \_\_\_\_\_ months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	67			
At completion of all phases	67			

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No  
 If Yes,  
 i. Total number of structures \_\_\_\_\_  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☒ Yes ☐ No  
 If Yes,  
 i. Purpose of the impoundment: storm water management  
 ii. If a water impoundment, the principal source of the water: ☒ Ground water ☐ Surface water streams ☐ Other specify: \_\_\_\_\_  
 Runoff from roadways, lawns, roofs  
 iii. If other than water, identify the type of impounded/contained liquids and their source.  
 Not Applicable.  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ TBD million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ N/A height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):  
 Impoundment is an excavation comprised of earth fill and does not constitute a dam.

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☒ No  
 If Yes:  
 i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No  
 If yes, describe. \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting? ☐ Yes ☐ No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No  
If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No  
If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 29,480 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No  
If Yes:

- Name of district or service area: ECWA
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
new public water mains will be installed along the new public roadways

• Source(s) of supply for the district: ECWA

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_  
Not applicable.

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ N/A gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No  
If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 29,480 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_  
Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No  
If Yes:

- Name of wastewater treatment plant to be used: Southtowns Advanced WWTP
- Name of district: ECSD No. 3
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

• Will a line extension within an existing district be necessary to serve the project? ☒ Yes ☐ No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 New public sewer mains will be installed along the new public roadways.

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☒ No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 Not applicable.

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 Not applicable.

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☒ Yes ☐ No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or 7.1 acres (impervious surface)  
 \_\_\_\_\_ Square feet or 35.3 acres (parcel size)  
 ii. Describe types of new point sources, roadways, driveways, roofs  
 \_\_\_\_\_  
 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 Storm water will be directed to on-site storm water management areas. The north area will discharge to the ditch that runs through the site and flows off-site to the west. The south area will discharge to a ditch which also flows off-site to the west.  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties? ☒ Yes ☐ No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☒ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☒ No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☒ No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

landfills, composting facilities)?

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend  
☐ Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Not Applicable. ☐ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No

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l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: \_\_\_\_\_ 7:00 a.m. to 7:00 p.m.
- Saturday: \_\_\_\_\_ 7:00 a.m. to 5:00 p.m.
- Sunday: \_\_\_\_\_ As needed.
- Holidays: \_\_\_\_\_ As needed.

ii. During Operations:

- Monday - Friday: \_\_\_\_\_ Not Applicable
- Saturday: \_\_\_\_\_ Not Applicable
- Sunday: \_\_\_\_\_ Not Applicable
- Holidays: \_\_\_\_\_ Not Applicable



operation, or both?

If yes:

i. Provide details including sources, time of day and duration:  
Construction activities will result in temporary unavoidable noise impacts during day time hours resulting from the use of construction equipment and vehicles.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No  
Describe: \_\_\_\_\_

n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No  
If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
Lighting will comply with the Town of Hamburg lighting standards for a residential subdivision with public roadways.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No  
Describe: \_\_\_\_\_

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No  
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No  
If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No  
If Yes:

i. Describe proposed treatment(s): \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No  
Not Applicable.  
If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

ii. Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

### E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☒ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Community Facilities - Erie County Community College

ii. If mix of uses, generally describe:

Commercial uses along Big Tree Road and Southwestern Boulevard and residential and community facilities uses on Parker Road.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	7.1	+7.1
• Forested	4.3	3.3	-1.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	29.993	0	-29.993
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.3	0.3	0
• Wetlands (freshwater or tidal) [Federal wetlands]	0.707	0.644	-0.063
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Lawns for residential lots.</u>	0	23.956	+23.956

i. If Yes: explain: \_\_\_\_\_ ☒ Yes ☐ No

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☒ Yes ☐ No

If Yes,

i. Identify Facilities:

Erie Community College Campus.

---

e. Does the project site contain an existing dam? ☐ Yes ☒ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_

iii. Provide date and summarize results of last inspection: \_\_\_\_\_

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f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

---

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

---

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes - Spills Incidents database  
☐ Yes - Environmental Site Remediation database  
☐ Neither database

Provide DEC ID number(s): \_\_\_\_\_  
 Provide DEC ID number(s): \_\_\_\_\_

ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No

If yes, provide DEC ID number(s): \_\_\_\_\_

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: \_\_\_\_\_

## E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ > 5 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No  
If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Niagara silt loam	41 %
Illion silt loam	24 %
Darien silt loam	35 %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ > 3 feet

e. Drainage status of project site soils: ☐ Well Drained: \_\_\_\_\_ % of site  
☐ Moderately Well Drained: \_\_\_\_\_ % of site  
☐ Poorly Drained: 100 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 100 % of site  
☐ 10-15%: \_\_\_\_\_ % of site  
☐ 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No  
If Yes, describe: \_\_\_\_\_

### h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 837-235 Classification C
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size 0.64 acres [federal]
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☒ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired:

Name - Pollutants - Uses: Rush Creek and tribs - Pathogens; Nutrients - Recreation; Public Bathing; Aquatic Life

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No

If Yes:

i. Name of aquifer: \_\_\_\_\_

[Note: There is one wetland on the Project Site subject to federal jurisdiction with a size of 0.64 acres per the Wetland Delineation Report prepared by Erik Krull of Wetlands Investigation Co. dated September of 2020. A copy of the wetland delineation map is provided at Attachment "2" of this Part 1 of the Full EAF.]



typical suburban wildlife including:

Squirrels

Deer

Birds

Skunks

n. Does the project site contain a designated significant natural community?

☐ Yes ☒ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation):

ii. Source(s) of description or evaluation:

iii. Extent of community/habitat:

- Currently: \_\_\_\_\_ acres
- Following completion of project as proposed: \_\_\_\_\_ acres
- Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?

☐ Yes ☒ No

If Yes:

i. Species and listing (endangered or threatened):

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?

☐ Yes ☒ No

If Yes:

i. Species and listing:

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? If yes, give a brief description of how the proposed action may affect that use:

☐ Yes ☒ No

### E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?

☐ Yes ☒ No

If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present?

☐ Yes ☒ No

i. If Yes: acreage(s) on project site: \_\_\_\_\_

ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?

☐ Yes ☒ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?

☐ Yes ☒ No

If Yes:

i. CEA name: \_\_\_\_\_

ii. Basis for designation: \_\_\_\_\_

iii. Designating agency and date: \_\_\_\_\_

which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

---

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No Copy of No Impact Letter of SHPO dated 10/09/20 provided at Attachment "B"

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

---

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☒ No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

---

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? ☐ Yes ☐ No

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

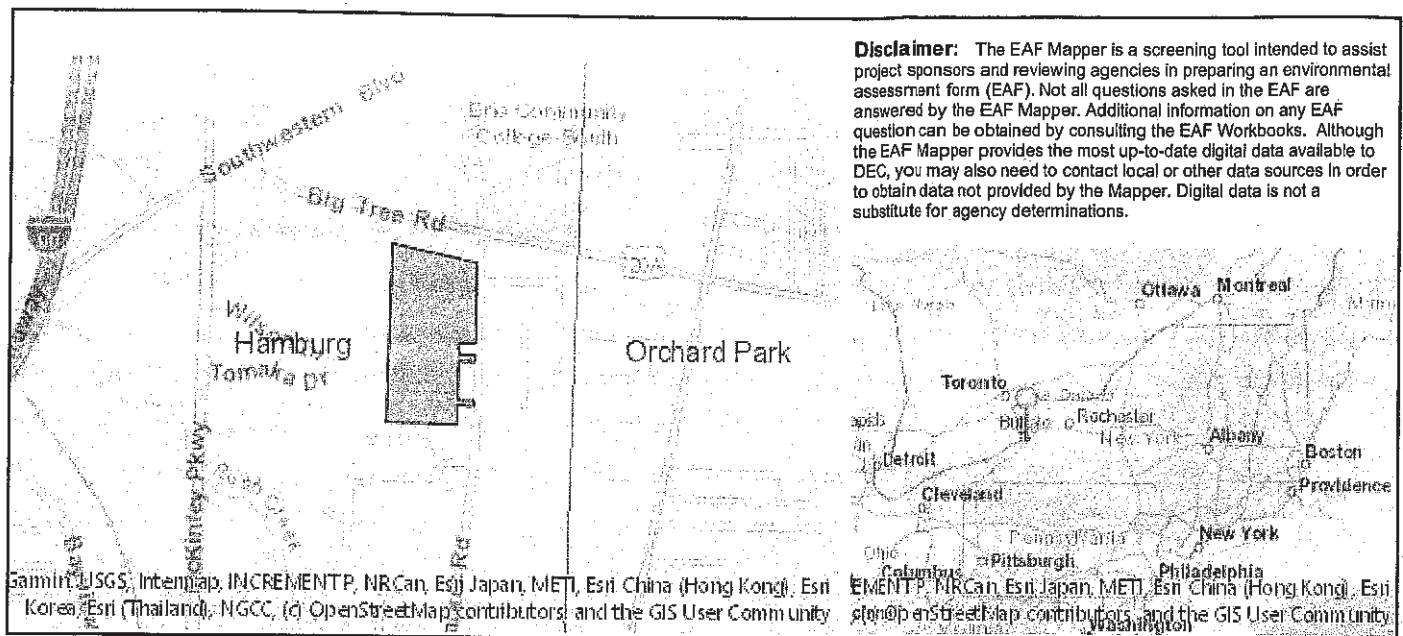
Applicant/Sponsor Name David Manko

Date January 5, 2021

Signature Sean Hopkins

Title Attorney for Project Sponsor

**PRINT FORM**



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-235
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses: Rush Creek and tribs - Pathogens; Nutrients - Recreation; Public Bathing; Aquatic Life

<b>E.2.k. [500 Year Floodplain]</b>	No
<b>E.2.l. [Aquifers]</b>	No
<b>E.2.n. [Natural Communities]</b>	No
<b>E.2.o. [Endangered or Threatened Species]</b>	No
<b>E.2.p. [Rare Plants or Animals]</b>	No
<b>E.3.a. [Agricultural District]</b>	No
<b>E.3.c. [National Natural Landmark]</b>	No
<b>E.3.d [Critical Environmental Area]</b>	No
<b>E.3.e. [National or State Register of Historic Places or State Eligible Sites]</b>	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
<b>E.3.f. [Archeological Sites]</b>	Yes
<b>E.3.i. [Designated River Corridor]</b>	No



**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>		

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☒ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**4. Impact on groundwater**

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

If "Yes", answer questions a - h. If "No", move on to Section 5.

☒ NO☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**5. Impact on Flooding**

The proposed action may result in development on lands subject to flooding.

(See Part 1. E.2)

If "Yes", answer questions a - g. If "No", move on to Section 6.

☒ NO☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>



**6. Impacts on Air**

The proposed action may include a state regulated air emission source.

☒ NO☐ YES

(See Part 1. D.2.f., D.2.h, D.2.g)

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**7. Impact on Plants and Animals**

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

☐ NO☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>



e. The proposed action may diminish the capacity of a registered Natural Natural Landmark to support the biological community it was established to protect.	E2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: <u>Impact stream on-site, that flows into spawning areas</u> _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

☐ NO

☒ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**9. Impact on Aesthetic Resources**

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☒ NO☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**10. Impact on Historic and Archeological Resources**

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☐ NO☒ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p>If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:</p>			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**11. Impact on Open Space and Recreation**

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. ☐ NO ☒ YES

(See Part 1. C.2.c, E.1.c., E.2.q.)

If "Yes", answer questions a - e. If "No", go to Section 12.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**12. Impact on Critical Environmental Areas**

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) ☒ NO ☐ YES

If "Yes", answer questions a - c. If "No", go to Section 13.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>



**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

☐ NO☒ YES

(See Part 1. D.2.j)

*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

☐ NO☒ YES

(See Part 1. D.2.k)

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO☒ YES

(See Part 1. D.2.m., n., and o.)

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>



e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☒ YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.

☒ NO☐ YES

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.

☐ NO☒ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

**Full Environmental Assessment Form**  
**Part 3: Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

### Manko Subdivision – Part 3 Considerations

Question	Magnitude of Impact	Duration of Impact	Likelihood of Impact	Importance of Impact	Potentially Significant	Cumulative Impact
1 – Impact on Land – Item e	Moderate Impact – the entire parcel will be affected	Medium to Long Term (depending on subdivision build out)	Definitely will Occur	Low Importance – area is an existing agricultural parcel that is plowed several times of year. Construction will require SWPPP and SWPPP inspections to manage offsite impacts.	No	Yes
1 – Impact on Land – Item f	Moderate Impact – the entire parcel will be affected	Medium to Long Term (depending on subdivision build out)	Definitely will Occur	Low Importance – area is an existing agricultural parcel that is plowed several times of year. Construction will require SWPPP and SWPPP inspections to manage offsite impacts.	No	Yes
3 – Impact on Surface Water – Items h and i	Large Impact – surface waters onsite regulated by the USACE and on 303(d) list; potential	<b>AS OF RIGHT:</b> Irretrievable – private landowner actions may be difficult to manage and grading/disturbance	<b>AS OF RIGHT:</b> Probably will Occur – residential lots surround regulated waterbody; difficult to control individual	Very Important	Yes – design refinements ongoing may adjust this	Yes



### Manko Subdivision – Part 3 Considerations

		afternoon commute. Also this project will necessitate the restriping of Big Tree to accommodate the creation of a 2 way left turn lane.				
14 – Impact on Energy	Moderate Impact – exceeds threshold for number of new residences	Long-term – increase in energy use to accommodate the homes for the reasonably foreseeable planning horizon	Definitely will Occur	Low Importance – no additional transmission lines needed other than local distribution lines; no new substation proposed; new buildings will adhere to applicable local and state energy codes	No	Yes
17 – Consistency with Community Plan	Moderate/Large Impact	Irreversible – Agricultural Land will be lost. 2007 Comprehensive Plan Update states (pg 42 of PDF): “Encourage the Existence of existing, viable agricultural uses.”	Definitely will Occur	Fairly Important – 2007 Plan also states (pg 49 of PDF): “Active Agricultural Lands and Uses are also important to preserving the aesthetic quality, as well as economic viability of the Town. A number of vital agricultural	Yes	No

Manko Subdivision – Part 3 Considerations

				pursuits remain in the Town that should be preserved and promoted."		
18?						

APPENDIX 3:  
SWPPP REPORT



STORMWATER POLLUTION  
PREVENTION PLAN  
for  
CONSTRUCTION ACTIVITIES

At

Parker Road Single Family Subdivision  
Parker Road  
Town of Hamburg, Erie County, New York

Prepared for

Parker Road Development, LLC

4534 Clinton Street, Suite 4  
West Seneca, NY 14224

Prepared by

Carmina Wood Design

487 Main Street, Suite 500  
Buffalo, NY 14203

Telephone: (716) 842-3165  
Fax: (716) 842-0263

January 2024



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Appendix E	Forms <ul style="list-style-type: none"><li>• Contractor's Certification</li><li>• Owner/Operator Certification</li><li>• SWPPP Preparer Certification</li></ul>
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Appendix M	NYSDEC Letter

## 101 SCOPE

- A. **PURPOSE:** Parker Road Development, LLC (PR) has placed an emphasis on following the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity governing storm water discharges during construction, and in accordance with erosion control practices. The Contractor's participation in this program is mandatory and its non-compliance is subject to various remedies, including without limitation, monetary set-offs, withholding payments; reimbursement for costs, expenses (including reasonable attorney's fees), fines and civil penalties incurred by PW; and/or liquidated damages. This section provides a descriptive explanation of PW's Storm Water Pollution Prevention Program and required Contractor participation.

The Engineer of record for this project certifies that this SWPPP meets the requirements and is in compliance with the New York State Stormwater Management Design Manual and latest NYSDEC Phase II stormwater regulation requirements.

- B. **SPDES General Permit for Stormwater Discharges from Construction Activity:** Regulations promulgated by the NYSDEC to regulate the discharge of storm water from construction activities on sites where more than one (1) acre of soil is disturbed. One of the ways to comply with these regulations for affected sites is to request coverage under the General Permit for Construction Activities for New York State. In order to use the General Permit, a Notice of Intent (NOI) form must be completed and submitted to the NYSDEC and a Storm Water Pollution Prevention Plan (SWPPP) for the site must be prepared and followed during the construction activities.

### Approval from a regulated, traditional land use control MS4:

1. An owner or operator of a construction activity that is not subject to the requirements of a regulated, traditional land use control MS4 must first develop a SWPPP in accordance with all applicable requirements of this permit and then submit a completed NOI form to the NYSDEC.
  2. An owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 must first develop a SWPPP in accordance with all applicable requirements of this permit and then have its SWPPP reviewed and accepted by the MS4 prior to submitting the NOI to the NYSDEC. The owner or operator shall have the "MS4 SWPPP Acceptance" form signed by the principal executive officer or ranking elected official from the regulated, traditional land use control MS4, or by a duly authorized representative of that person, and then submit that form along with the NOI to the address referenced under "Notice of Intent (NOI) Submittal".
- C. **RESPONSIBILITIES OF THE CONTRACTOR:** The Contractor shall manage the discharge of storm water from the site in accordance with the NYSDEC General Permit for Construction Activities conditions and the following provisions of this section. The Operator shall be responsible for conducting the storm water management practices in accordance with the permit. The Contractor shall be responsible for providing **qualified inspectors** to conduct the inspections required by the SWPPP. The Contractor shall be responsible for any enforcement action taken

or imposed by federal, state, or local agencies, including the cost of fines, construction delays, and remedial actions resulting from the Contractor's failure to comply with the permit provisions. It shall be the responsibility of the Contractor to make any changes to the SWPPP necessary when the Contractor or any of his subcontractors elects to use borrow or fill or material storage sites, either contiguous to or remote from the construction site, when such sites are used solely for this construction site. Such sites are considered to be part of the construction site covered by the permit and this SWPPP. Off-site borrow, fill, or material storage sites which are used for multiple construction projects are not subject to this requirement, unless specifically required by state or local jurisdictional entity regulations. The Contractor should consider this requirement in negotiating with earthwork subcontractors, since the choice of an off-site borrow, fill, or material storage site may impact their duty to implement, make changes to, and perform inspections required by the SWPPP for the site.

- D. **NOTICE OF INTENT:** The Operator has petitioned the NYSDEC for coverage under the storm water discharges during construction at this site to be covered by the SPDES General Permit for Construction Activity for the State of New York. A Notice of Intent (NOI) for coverage under this permit has been filed by the Operator. The SWPPP must be prepared prior to submittal of the NOI form. The Operator will require the Contractor to be a co-permittee with the Operator. The Contractor will be required to maintain the NOI at the construction site along with any building permits. Construction work can begin 5 business days after the submittal of the eNOI. The MS4 SWPPP Acceptance Form must also be submitted along with the SWPPP.
- E. **CONTRACTOR CERTIFICATION & TRAINING:** Proof of Training/Certification of the Contractor's designated individual shall be kept on site at all times.
- F. **REQUIREMENTS FOR THE GENERAL CONTRACTOR AND SUBCONTRACTOR(S):** The General Contractor and Subcontractor(s) shall sign the "Contractor's Certification Statement" (located in the Appendix of this report) verifying they have been instructed on how to comply with and fully understand the requirements of the SPDES General Permit for Construction Activity for the State of New York and the SWPPP. These certifications must be signed, by a responsible corporate officer or other party meeting the "Signatory Requirements" of the SPDES General Permit, on behalf of each entity, prior to the beginning of any construction activities.
- G. **STORM WATER POLLUTION PREVENTION PROGRAM LOCATION REQUIREMENTS:** The SWPPP is meant to be a working document that shall be maintained at the site of the Construction Activities at all times throughout the project, shall be readily available upon request by the Operator's personnel or NYSDEC or any other agency with regulatory authority over storm water issues, and shall be kept on-site until the site complies with the Final Stabilization section of this document. A sign or other notice must be posted near the main entrance of the construction site which contains a completed NOI, the location of the SWPPP and the name and phone number of a contact person responsible for scheduling SWPPP viewing times, and any other state specific requirements.



H. **INSPECTIONS AND RECORD-KEEPING:**

A. **General Construction Site Inspection and Maintenance Requirements**

1. The owner or operator must ensure that all erosion and sediment control practices and all post-construction stormwater management practices identified in the SWPPP are maintained in effective operating condition at all times.
2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York, or protect the public health and safety and/or the environment.

B. **Owner or operator Maintenance Inspection Requirements**

1. The owner or operator shall inspect, in accordance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, the erosion and sediment controls identified in the SWPPP to ensure that they are being maintained in effective operating condition at all times.
2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the owner or operator can stop conducting the maintenance inspections. The owner or operator shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of the General Permit as soon as soil disturbance activities resume.
3. For construction sites where soil disturbance activities have been shut down with partial project completion, the owner or operator can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

C. **Qualified Inspector Inspection Requirements**

The owner or operator shall have a qualified inspector conduct site inspections in conformance with the following requirements:

Note: The trained contractor identified in Part III.A.6 of the General Permit cannot conduct the qualified inspector site inspections unless they meet the qualified inspector qualifications included in Appendix A of the General Permit. In order to perform these inspections, the trained contractor would have to be a:

- Licensed Professional Engineer,

- Certified Professional in Erosion and Sediment Control (CPESC),
  - Registered Landscape Architect, or
  - Someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity.
1. A **qualified inspector** shall conduct site inspections for all construction activities identified in Tables 1 and 2 of Appendix B of the General Permit, with the exception of:
    - a. The construction of a single family residential subdivision with 25% or less impervious cover at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C of the General Permit and not directly discharging to one of the 303(d) segments listed in Appendix E of the General Permit;
    - b. The construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E of the General Permit;
    - c. Construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and
    - d. Construction activities located in the watersheds identified in Appendix D of the General Permit that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land.
  2. Unless otherwise notified by the Department, the **qualified inspector** shall conduct site inspections in accordance with the following timetable:
    - a. For construction sites where soil disturbance activities are on-going, the **qualified inspector** shall conduct a site inspection at least once every seven (7) calendar days.
    - b. For construction sites where soil disturbance activities are on-going and the **owner or operator** has received authorization in accordance with Part II.C.3 of the General Permit to **disturb greater than five (5) acres** of soil at any one time, the **qualified inspector** shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
    - c. For construction sites where soil disturbance activities have been **temporarily suspended** (e.g. winter shutdown) and **temporary stabilization measures**

have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least once every thirty (30) calendar days. The owner or operator shall notify the Regional Office stormwater contact person (see contact information in Appendix F of the General Permit) or, in areas under the jurisdiction of a regulated, traditional land use control MS4, the MS4 (provided the MS4 is not the owner or operator of the construction activity) in writing prior to reducing the frequency of inspections.

- d. For construction sites where soil disturbance activities have been shut down with partial project completion, the qualified inspector can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The owner or operator shall notify the Regional Office stormwater contact person or, in areas under the jurisdiction of a regulated, traditional land use control MS4, the MS4 (provided the MS4 is not the owner or operator of the construction activity) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the owner or operator shall have the qualified inspector perform a final inspection and certify that all disturbed areas have achieved final stabilization, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the NOT. The NOT shall then be signed by the MS4 and the owner or operator shall then submit the completed NOT form to the address in Part II.A.1 of the General Permit.
3. At a minimum, the qualified inspector shall inspect all erosion and sediment control practices to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved final stabilization, all points of discharge to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site, and all points of discharge from the construction site.
4. The qualified inspector shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:
  - a. Date and time of inspection;
  - b. Name and title of person(s) performing inspection;
  - c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;

- d. A description of the condition of the runoff at all points of discharge from the construction site. This shall include identification of any discharges of sediment from the construction site. Include discharges from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
  - e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the construction site which receive runoff from disturbed areas. This shall include identification of any discharges of sediment to the surface waterbody;
  - f. Identification of all erosion and sediment control practices that need repair or maintenance;
  - g. Identification of all erosion and sediment control practices that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
  - h. Description and sketch of areas that are disturbed at the time of the inspection and areas that have been stabilized (temporary and/or final) since the last inspection;
  - i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
  - j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s); and
  - k. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The **qualified inspector** shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The **qualified inspector** shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The **qualified inspector** shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the **qualified inspector** shall notify the **owner or operator** and appropriate contractor or subcontractor identified in Part III.A.6. of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.



6. All inspection reports shall be signed by the **qualified inspector**. Pursuant to Part II.C.2 of the General Permit, the inspection reports shall be maintained on site with the SWPPP. Copies of the inspection reports shall also be provided to the MS4 electronically.

**Record Retention** - The owner or operator shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the site achieves final stabilization. This period may be extended by the Department, in its sole discretion, at any time upon written notification.

- I. **SWPPP MODIFICATIONS:** The inspection report should also identify if any revisions to the SWPPP are warranted due to unexpected conditions. The SWPPP is meant to be a dynamic working guide that is to be kept current and amended whenever there is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants or when the plan proves to be ineffective in eliminating or significantly minimizing pollutant discharges. The Contractor's failure to modify or report deficiencies to the Operator will result in the Contractor being liable for fines and construction delays resulting from any federal, state, or local agency enforcement action.
- J. **FINAL STABILIZATION AND TERMINATION OF PERMIT COVERAGE:** A site can be considered finally stabilized when all soil disturbing activities have been completed and a uniform perennial vegetative cover with a density of 85% for the unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been established and the facility no longer discharges storm water associated with construction activities and a Notice of Termination (NOT) form filed by the Operator(s) with the NYSDEC. The Operator's Project Manager must complete the NOT. The NOT must be signed by the signatory (or equivalent position) on the NOI, and the qualified inspector, and must be submitted to the MS4 for signature. The MS4 may require a final inspection before signing the NOI. The owner must subsequently submit to DEC once the MS4 has signed NOI. The Operator's Project Manager must provide a completed copy of the NOT to the Contractor for inclusion in the SWPPP, which will then be optically scanned into the final SWPPP document as required. This filing terminates coverage under the General Permit and terminates the Contractor's responsibility to implement the SWPPP, but the requirements of the SWPPP, including periodic inspections, must be continued until the NOT is filed. The owner or operator shall also have the **qualified inspector** perform a final site inspection prior to submitting the NOT to the Department. Final payment and/or the release of retainage may be withheld until all provisions of the SWPPP have been submitted, completed and accepted by the Operator.

## 102 PROJECT NAME AND LOCATION

Parker Road Single Family Subdivision

Parker Road

Town of Hamburg, County of Erie, New York

Easting: 188876.086

Parker Road Single Family Subdivision

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Northing: 4741911.261

Estimated Area of Site  $\approx$  41.10 acres

Estimated Area to be disturbed by Construction Activities  $\approx$  27.70 acres

A general location map is included as Appendix A.

**103 OPERATOR'S NAME AND ADDRESS**

Parker Road Development, LLC

4534 Clinton Street, Suite 4

West Seneca, NY 14224

Contact Person:

Telephone:

**104 PROJECT DESCRIPTION**

This project is a proposed subdivision development of a 41.10 acre site located on the west side of Parker Road near Route 20A in the Town of Hamburg. Construction will consist of a proposed public roadway, public storm sewer, sanitary sewer and water mains, and lighting improvements. Fifty-eight (58) lots single family residential building sublots are proposed on the new road and three dedicated open space parcels. The project site is currently an active farm field. The proposed site development area to be disturbed for this project is approximately 27.70 acres when construction is completed.

Soil disturbing activities will include:

- A. Construction of temporary construction exit point
- B. Clearing & grubbing of the site within disturbance limits
- C. Installation of the detention basin, bioretention area including topsoil & seed
- D. Installation of storm sewer pipes and inlets
- E. Construction of utilities
- F. Construction of curbing and pavement
- G. Final grading & landscaping
- H. Construction of buildings

The site is owned by Gary Hartloff and will be developed by Parker Road Development, LLC. The work area consists of approximately 27.70 acres for which erosion and sediment controls have been developed and fully addressed in this written plan and the Erosion and Sediment Control Plans. See the construction documents for additional details.

## **105 RUNOFF COEFFICIENT, SOILS, AND RAINFALL INFORMATION**

The soils on the portion of the site in the project area consists of 100% "D" type soils per the Web Soil survey. The initial composite runoff curve number for the pre-construction site is "CN" = 88 (Row crops Use). The post-construction runoff curve number for the site will be "CN" = 84 (1/4 acre lots, 38% imp Use). The site is 14.12 acres of which approximately 27.70 acres will be disturbed by construction activities.

See soils information located in Appendix H.

The site is in Erie County, which receives an average of approximately 45 inches rainfall annually with the highest amounts of rainfall received in the months of May thru September. Annual snow for this area is approximately 120 inches.

## **106 WATERS**

The runoff generated from the site will drain north via a storm sewer system, discharge into a bioretention basin, which outfall into a dry pond, which has a controlled discharge to a manmade drainage ditch, which then outfalls into an unnamed tributary which then ultimately outlets to Lake Erie

## **107 INDIAN COUNTRY LANDS**

This project is not located on Indian Lands.

## **108 ENDANGERED AND THREATENED SPECIES**

No endangered or threatened species have been determined to be on the site.

## **109 CRITICAL HABITAT**

See section 108 above.

## **110 HISTORIC PLACES**

A Phase I Archaeology Surveys Reconnaissance Survey for Proposed Housing Subdivision is underway as shown on the SHPO Map included in the report.

The NYSHPO information is included in the Appendix I of this report.

## **111 WETLANDS AND/OR OTHER SURFACE WATERS**

0.071 Federal wetlands were delineated on site by Wetlands Investigation Co. The majority of these wetlands are north of the development area and only 0.09 acres will be permanently disturbed. The Wetland Delineation Report is included in the Appendix of this report.

## **112 EROSION AND SEDIMENT CONTROLS**

### **112.1 STABILIZATION PRACTICES**

Stabilization practices for this site include:

- A. Land clearing activities shall be done only in areas where earthwork will be performed and shall progress as earthwork is needed.
- B. Use of stabilization method for all slopes having a slope greater than 1V:3H.
- C. Seeding and planting of all disturbed areas
- D. Vegetation preservation in undisturbed areas.
- E. Frequent watering to minimize wind erosion during construction.
  - a. For sites where 5 acres or more are disturbed at any one time: In areas where soil disturbance activity has been temporarily or permanently ceased, temporary and/or permanent soil stabilization measures shall be installed and/or implemented within seven (7) days from the date the soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the most current version of the New York Standards and Specifications for Erosion and Sediment Control.
  - b. The owner or operator shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
  - c. The owner or operator shall install any additional measures needed to protect water quality.

#### **112.2 STRUCTURAL PRACTICES**

- A. Inlet protection using a method detailed in the Construction Documents.
- B. Perimeter protection using temporary silt fence/silt sock or silt sock.
- C. Outlet protection using rip-rap stone and end sections.
- D. Stabilized Construction Entrance.
- E. Temporary stone wash off areas.
- F. Storm sewer, curb/gutter.
- G. Sediment traps and basins.

#### **112.3 SEQUENCE OF MAJOR ACTIVITIES**

The Contractor will be responsible for implementing the following erosion control and storm water management control measures. The Contractor may designate these tasks to certain subcontractors as he sees fit, but the ultimate responsibility for implementing these controls and ensuring their proper functioning remains with the Contractor. The order of activities will be as follows:

Construct temporary construction exit at locations shown on the Demolition & Erosion Control Plans.



- B. Install perimeter silt fence/silt socks in the locations shown on the Demolition & Erosion Control Plan Sheet.
- C. Clear & Grub site.
- D. Installation of detention basin to act as sediment basin (do not install bioretention soil or underdrains until stabilized)
- E. Commence site grading.
- F. Disturbed areas of the site where construction activity has ceased for more than 14 days shall be temporarily seeded and watered.
- G. Installation of proposed utilities.
- H. Finalize pavement subgrade preparation.
- I. Construct all curb, drainage inlets, storm sewer pipes and storm sewer manholes, as shown on the plans. Install temporary inlet protection at the locations of all inlets.
- J. Dust control.
- K. Remove inlet protection around inlets and manholes no more than 48 hours prior to placing stabilized base course.
- L. Install base material as required for pavement.
- M. Carry out final grading and seeding and planting.
- N. Clean storm system following construction, clean detention basins of any silt and return to design grades.  
  
Construct buildings.
- O. Remove silt fencing/silt sock only after all paving is complete and exposed surfaces are stabilized.
- P. Remove temporary construction exits only prior to pavement construction in these areas.
- Q. Sequence of Operation for Individual Lot Grading and Erosion Sediment Control
  - 1. Notify sediment control inspector at least 24 hours prior to start of construction.
  - 2. Survey and stakeout for clearing, stripping and erosion control activities.
  - 3. Install erosion and sediment controls
  - 4. Perform the necessary work to ensure proper surface drainage while maintaining erosion and sediment control as defined by Town specification and design drawings.
  - 5. When activities temporarily cease during construction, soil stockpiles and exposed soil should be stabilized by seed and mulch or other appropriate

measure as soon as possible, but in no case more than 1 days after construction activity has ceased.

6. Notify sediment control inspector and obtain approval before proceeding further.
7. Site preparation and construction shall not adversely affect the free flow of storm runoff or water courses.
8. Upon completion of utility installation, restoration shall commence.
9. Erosion and sediment controls are to be removed as their usefulness diminish. At all instances, notify the sediment control inspector and obtain written approval before removal of any erosion and sediment control devices.

Note: Sediment control storage during construction (traps & basins) during construction shall be 134 cy per acre of disturbance per NYSDEC requirements.

#### 112.4 STORM WATER MANAGEMENT

The site drains from the east to the west and north. A portion of the site drains to an existing natural stream along the north side of the property and leaves at the northwest corner. The rest of the site drains to the west to two natural low areas, which eventually drain to the natural stream off site.

The proposed onsite storm sewer system for this development project consists of smooth interior and perforated HDPE and RC pipes connected by a series of catch basins. The storm water management system for this project consists of two bioretention areas and outlet control structure prior to discharge. There are two ponds proposed, and they are connected by a 36-inch HDPE pipe allowing the ponds to act as one pond with on control structure. The ponds drain to the existing stream. The bioretention areas proposed on site are designed to provide 100% of the required Runoff Reduction volume (RRv) for the site. The soils in the vicinity of the bioretention area are mainly USDA hydrologic group 'D' and therefore the system will be installed with underdrains per NYSDEC requirements. The bioretention areas will consist of 8" perforated HDPE underdrains in 12" of drainage gravel, followed by filter fabric and then finally 18" minimum of planting soil. Overflow catch basins will be installed to allow 6" maximum temporary ponding for RRv treatment. The proposed detention pond outlet control pipe is designed to accommodate the 1-year through 100-year storm events controlling the offsite runoff rate to less than the existing runoff rates for pre-development drainage area which drains to the existing stream.

Runoff reduction volume (RRv), water quality volume (WQv) and stormwater volume attenuation for the site is designed in accordance with Chapter 4 of the NYSDEC Stormwater design manual. The bioretention areas will be provided as a "green infrastructure" practice to provide runoff reduction to meet the Chapter 4 requirements for the currently undeveloped areas. Runoff from the site was looked at as a whole for the calculation of volume attenuation requirements. The amount of impervious cover post-development is 7.5 acres. The proposed detention ponds are designed to accommodate the 1-year through 100-year storm events controlling the offsite runoff rate to less than the existing runoff rates.

The NYSDEC Stormwater Management Design Manual requires a five-step process for Stormwater Management Planning as outlined in Chapter 3. The five steps include:

1. Site planning to preserve natural features and reduce impervious cover.
  - The entire northern portion of the site are to remain undisturbed.
2. Calculation of Water Quality Volume (WQv=RRv) for site.
  - See Stormwater Drainage Calculations.
3. Incorporation of Green Infrastructure techniques and standard SMPs with Runoff Reduction Volume (RRv) capacity.
  - A bioretention area was incorporated into the site design to provide required RRv for the development. See Stormwater Drainage Calculations.
4. Use of standard SMPs where applicable, to treat the portion of water quality volume not addressed by green infrastructure techniques and standard SMPs with RRv capacity.
  - Since the provided RRv is less than the WQv required, use of standard SMPs to treat the remaining WQv is applicable.
5. Design of volume and peak rate control practices where required.
  - See Stormwater Drainage Calculations.

The NYSDEC Stormwater Management Design Manual requires (5) five different criteria be considered when designing a stormwater management system. Those criteria are Water Quality, Runoff Reduction Volume, Channel Protection, Overbank Flooding and Extreme Storm Protection. Below is a summary of each item and how it is incorporated into this project.

#### Water Quality & Runoff Reduction Volume:

The NYSDEC requires reduction of the total water quality volume by green infrastructure techniques and SMP's to replicate pre-development hydrology. A bioretention area was incorporated into the site layout to provide the minimum required RRv for contributing WQv runoff area for the development. The bioretention area will provide 5,333 cf RRv. The minimum RRv required is 5,173 cf. The bioretention will also treat 25,131 cf of WQv. The required WQv = 30,465 cf. The sum of the WQv treated and the RRv is equal to the required WQv, therefore the practice is acceptable.

#### Channel Protection:

The NYSDEC requires that 24-Hour extended detention be provided for the proposed 1-year storm event. A volume of 47,347 cf is accommodated in the detention basin at elevation 722.33.

#### Overbank Flooding:

The NYSDEC requires that the 10-year proposed storm event be attenuated with detention and that the outlet be restricted to the 10-year existing storm event. A volume of 133,573 cf is accommodated in the detention basin at elevation 724.24.

#### Extreme Storm Protection:

The NYSDEC requires that the 100-year proposed storm event be attenuated with detention and that the outlet be restricted to the 100-year existing storm event. A volume of 216,387 cf is accommodated in the detention basin at elevation 725.59.

Refer to engineer's report for storm sewer design criteria, runoff summary table and stormwater drainage calculations.

### **113 OTHER CONTROLS**

#### **113.1 OFF-SITE VEHICLE TRACKING**

A stabilized construction exit will be provided to help reduce vehicle tracking of sediments and will be used for vehicle wash areas and to further aid in the reduction of vehicle tracking of sediments. The paved streets adjacent to the site entrance shall be inspected daily and swept as necessary to remove any excess mud, dirt, or rock tracked from the site. Dump trucks hauling material to/from the construction site will be covered with a tarpaulin. The job site superintendent will be responsible for seeing that these procedures are followed.

#### **113.2 EXCAVATION SPOIL MATERIALS**

Excavation spoil materials are potentially generated during grading operations for this project. These materials must be properly managed to prevent them from contributing to storm water discharges. The materials generated from the development of this project will be hauled off-site or stockpiled for re-use in designated areas which will have temporary erosion & sediment control measures installed. Any removal from site will be done under the necessary permits required by the local governing agencies.

#### **113.3 DUST CONTROL**

Minimizing wind erosion and controlling dust will be accomplished by one or more of the following methods:

- A. Frequent watering of excavation and fill areas.
- B. Providing gravel or paving at entrance/exit drives, parking areas and transit paths.



#### **113.4 WASTE DISPOSAL**

If needed, all waste materials will be collected and stored in securely lidded metal dumpsters rented from an approved waste management company. The dumpster will comply with all local and state solid waste management regulations.

All trash and construction debris from the site will be deposited in the dumpsters. The dumpsters will be emptied when full and then hauled to a NYSDEC approved landfill for proper disposal. No construction waste will be buried on-site. All personnel will be instructed regarding the correct procedures for waste disposal.

#### **113.5 SANITARY WASTE**

If needed, portable toilet units or field offices with toilet facilities connected to the municipal sanitary sewer will be used for sanitary purposes. All portable toilet units will be emptied a minimum of once per week by a licensed portable facility provided in compliance with local and state regulations.

#### **113.6 CONCRETE WASTE FROM CONCRETE TRUCKS**

- A. Emptying of excess unhardened concrete and/or washout from concrete delivery trucks will be allowed on the job site, but in either (1) specifically designated diked areas which have been prepared to prevent contact between concrete and/or washout and storm water which will be discharged from the site or (2) in locations where waste concrete will be poured into forms to make rip-rap or other useful concrete products.
- B. Hardened waste concrete from the designated diked areas described above will be disposed of in accordance with applicable local and state regulations with regards to disposal of construction debris.

#### **113.7 HAZARDOUS SUBSTANCES & HAZARDOUS WASTE**

- A. All hazardous waste materials will be disposed of by the Contractor in the manner specified by local, state, and/or federal regulations and by the manufacturer of such products. Site personnel will be instructed in these practices by the job superintendent, who will also be responsible for seeing these practices are followed. Material Safety Data Sheets (MSDS's) for each substance with hazardous properties that is used on the job site will be obtained and used for the proper management of potential wastes that may result from these products. An MSDS will be posted in the immediate area where such products are stored and/or used and another copy of each MSDS will be maintained in the SWPPP file at the job site construction office. Each employee who must handle a substance with hazardous properties will be instructed on the use of MSDS sheets and the specific information in the applicable MSDS for the product he/she is using, particularly regarding spill control techniques.
- B. The contractor will implement the Spill Prevention Control and Countermeasures (SPCC) Plan found within this SWPPP and will train all personnel in the proper cleanup and handling of spilled materials. No spilled hazardous materials of hazardous wastes will be allowed to come in contact with storm water discharges. If such contact

occurs, the storm water discharge shall be contained on site until appropriate measures in compliance with state and federal regulations are taken to dispose of such contaminated storm water. It shall be the responsibility of the job superintendent to properly train all personnel in the use of the SPCC plan.

- C. Any spills of hazardous materials which are in excess of the Reportable Quantities as defined by the EPA regulations shall be immediately reported to the EPA National Response Center at 1-100-424-1102.
- D. In order to minimize the potential for a spill of hazardous materials to come in contact with storm water, the following steps will be implemented:
  - 1. All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, cleaning solvents, additives for soil stabilization, concrete curing compounds and additives, etc.) will be stored in a secure location, under cover, when not in use.
  - 2. The minimum practical quantity of all such materials will be kept on the job site.
  - 3. A spill control and containment kit (containing for example, absorbent such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.
  - 4. All of the product in a container will be used before the container is disposed of. All such containers will be triple rinsed with water prior to disposal. The rinse water used in these containers will be disposed of in a manner in compliance with state and federal regulations and will not be allowed to mix with storm water discharges.
  - 5. All products will be stored in and used from the original container with the original product label.
  - 6. All products will be used in strict compliance with instructions on the product label.
  - 7. The disposal of excess or used products will be in strict compliance with instructions on the product label.

#### 113.8 CONTAMINATED SOILS

- A. Any contaminated soils (resulting from spills of materials with hazardous properties) which may result from construction activities will be contained and cleaned up immediately in accordance with the procedures given in the Spill Prevention Control and Countermeasures (SPCC) Plan and in accordance with applicable state and federal regulations.

- B. The job site superintendent will be responsible for seeing that these procedures are followed.

#### 114 COMPLIANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS

The Contractor will obtain copies of any and all local and state regulations which are applicable to storm water management, erosion control, and pollution minimization at this job site and will comply fully with such regulations. The Contractor will submit written evidence of such compliance if requested by the Operator or any agent of a regulatory body. The Contractor will comply with all conditions of the SPDES General Permit for Construction Activity for the State of New York, including the conditions related to maintaining the SWPPP and evidence of compliance with the SWPPP at the job site and allowing regulatory personnel access to the job site and to records in order to determine compliance.

The SWPPP for this site development project requires regulated MS4 approval from the Town of Hamburg. All changes to the SWPPP must be approved by the Town of Hamburg prior to applying changes to the SWPPP in the field.

#### 115 INSPECTION AND MAINTENANCE PROCEDURES

The following inspection and maintenance practices will be used to maintain erosion and sediment controls and stabilization measures.

1. All control measures will be inspected by the owner/operator at least weekly and shall continue until the site complies with the Final Stabilization section of this document (See Section 116).
2. All control measures will be inspected by a Qualified Professional at least weekly and shall continue until the site complies with the Final Stabilization section of this document (See Section 116).
3. All measures will be maintained in good working order; if repairs or other measures are found to be necessary, they will be initiated within 24 hours of report.
4. Built up sediment will be removed from silt fence/silt sock when it has reached one-third the height of the fence.
5. Silt fence/silt socks will be inspected for depth of sediment, tears, etc., to see if the fabric is securely attached to the fence posts, and to see that the fence posts are securely in the ground.
6. Temporary and permanent seeding and all other stabilization measures will be inspected for bare spots, washouts, and healthy growth.
7. A maintenance inspection report will be made after each inspection.
8. The job site superintendent will be responsible for selecting and training the individuals who will be responsible for these inspections, maintenance and repair activities, and filling out inspection and maintenance reports.

9. Personnel selected for the inspection and maintenance responsibilities will receive training from the job site superintendent. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls that are used onsite in good working order. They will also be trained in the completion of, initiation of actions required by, and the filing of the inspection forms. Documentation of this personnel training will be kept on site with the SWPPP.
10. Disturbed areas and materials storage areas will be inspected for evidence of or potential for pollutants entering stormwater systems.
11. Report to the NYSDEC within 24 hours any noncompliance with the SWPPP that will endanger public health or the environment. Follow up with a written report within 5 days of the noncompliance event. The following events require 24 hour reporting: a) any unanticipated bypass which exceeds any effluent limitation in the permit, b) any upset which exceeds any effluent limitation in the permit, and c) a violation of a maximum daily discharge limitation for any of the pollutants listed by the NYSDEC in the permit to be reported within 24 hours. The written submission must contain a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
12. Releases of hazardous substances or oil in excess of reportable quantities (as established under 40 CFR 110, 40 CFR 117 or 40 CFR 302) must be reported.

## 116 INSPECTION AND MAINTENANCE REPORT FORMS

Once installation of any required or optional erosion control device or measure has been implemented, inspections shall be performed by a Qualified Professional at least once every seven (7) calendar days. For construction sites where soil disturbance activities are on-going and the owner or operator has received authorization in accordance with Part II.C.3 of the General Permit to disturb greater than five (5) acres of soil at any one time, the **qualified inspector** shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days. The owner and contractor shall obtain from the MS4 an written authorization approval for disturbing more than five-acres at any given time. Written authorization shall be kept within the SWPPP once received. For construction sites where active construction has been suspended, inspection frequency under the general permit can be reduced to once every 30 days, provided temporary stabilization measures have been applied to all disturbed areas.

The report forms shall become an integral part of the SWPPP and shall be made readily accessible to governmental inspection officials, the Operator's Engineer, and the Operator for review upon request during visits to the project site. In addition, copies of the reports shall be provided to any of these persons, upon request, via email transmission. Inspection and maintenance report forms are to be maintained by the permittee for five years following the final stabilization of the site.



## 117 OTHER RECORD-KEEPING REQUIREMENTS

The Contractor shall keep the following records related to construction activities at the site:

- Dates when major grading activities occur and the areas which were graded
- Dates and details concerning the installation of structural controls
- Dates when construction activities cease in an area
- Dates when an area is stabilized, either temporarily or permanently
- Dates of rainfall and the amount of rainfall
- Dates and descriptions of the character and amount of any spills of hazardous materials
- Records of reports filed with regulatory agencies if reportable quantities of hazardous materials spilled

## 118 SPILL PREVENTION CONTROL AND COUNTERMEASURES (SPCC) PLAN

### 118.1 MATERIALS COVERED

The following materials or substances are expected to be present onsite during construction:

- Concrete/Additives/Wastes
- Cleaning solvents
- Sanitary wastes
- Detergents
- Petroleum based products
- Paints/Solvents
- Pesticides
- Solid and construction wastes
- Acids
- Fertilizers
- Soil stabilization additives

### 118.2 MATERIAL MANAGEMENT PRACTICES

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to stormwater runoff. The job site superintendent will be responsible for ensuring that these procedures are followed.

#### A. Good Housekeeping

The following good housekeeping practices will be followed onsite during the construction project.

1. An effort will be made to store only enough products required to do the job.
2. All materials stored onsite will be stored in a neat, orderly manner and, if possible, under a roof or in a containment area. At a minimum, all containers

will be stored with their lids on when not in use. Drip pans shall be provided under all dispensers.

3. Products will be kept in their original containers with the original manufacturer's label in legible condition.
4. Substances will not be mixed with one another unless recommended by the manufacturer.
5. Whenever possible, all of a product will be used up before disposing of the container.
6. Manufacturer's recommendations for proper use and disposal will be followed.
7. The job site superintendent will be responsible for daily inspections to ensure proper use and disposal of materials.

B. Hazardous Products

These practices will be used to reduce the risks associated with hazardous materials. Material Safety Data Sheets (MSDS's) for each substance with hazardous properties that is used on the job site will be obtained and used for the proper management of potential wastes that may result from these products. An MSDS will be posted in the immediate area where such product is stored and/or used and another copy of each MSDS will be maintained in the SWPPP file at the job site construction trailer office. Each employee who must handle a substance with hazardous properties will be instructed on the use of MSDS sheets and the specific information in the applicable MSDS for the product he/she is using, particularly regarding spill control techniques.

1. Products will be kept in original containers with the original labels in legible condition.
2. Original labels and material safety data sheets (MSDS's) will be procured and used for each material.
3. If surplus product must be disposed of, manufacturer's or local/state/federal recommended methods for proper disposal will be followed.
4. A spill control and containment kit (containing for example, absorbent such as kitty litter or sawdust, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.
5. All of the product in a container will be used before the container is disposed of. All such containers will be triple rinsed with water prior to disposal. The rinse water used in these containers will be disposed of in a manner in compliance with state and federal regulations and will not be allowed to mix with storm water discharges.

C. Hazardous Waste

All hazardous waste materials will be disposed of by the Contractor in the manner specified by local, state, and/or federal regulations and by the manufacturer of such products. Site personnel will be instructed in these practices by the job site superintendent, who will also be responsible for seeing that these practices are followed.

D. Product Specific Practices

The following product specific practices will be followed on the job site.

1. Petroleum Products

All onsite vehicles will be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Any petroleum storage tanks stored onsite will be located within a containment area that is designed with an impervious surface between the tank and the ground. The secondary containment must be designed to provide a containment volume that is equal to 110% of the volume of the largest tank. Drip pans shall be provided for all dispensers. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations. The location of any fuel tanks and/or equipment storage areas must be identified on a plan by the contractor once the locations have been determined.

2. Fertilizers

Fertilizers will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked in the soil to limit exposure to stormwater. Storage will be in a covered shed. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

3. Paints, Paint Solvents, and Cleaning Solvents

All containers will be tightly sealed and stored when not in use. Excess paint and solvents will not be discharged to the storm sewer system but will be properly disposed of according to manufacturer's instructions or state and federal regulations.

4. Concrete Wastes

Concrete trucks will be allowed to wash out or discharge surplus concrete or drum wash water on the site, but only in either (1) specifically designated diked areas which have been prepared to prevent contact between the concrete and/or wash out and storm water which will be discharged from the site or (2) in locations where waste concrete can be poured into forms to make riprap or other useful concrete products.

The hardened residue from the concrete wash out diked areas will be disposed of in the same manner as other non-hazardous construction waste materials or may be broken up and used on site as deemed appropriate by the Contractor. The job site superintendent will be responsible for seeing that these procedures are followed.

All concrete wash out areas will be located in an area where the likelihood of the area contributing to storm water discharges is negligible. If required, additional BMPs must be implemented to prevent concrete wastes from contributing to storm water discharges. The location of concrete wash out area(s) must be identified on a plan by the contractor once the locations have been determined. In addition, a standard detail on the construction of the concrete wash out shall be included on this plan.

E. Solid and Construction Wastes

All waste materials will be collected and stored in an appropriately covered container and/or securely lidded metal dumpster rented from a local waste management company which must be a solid waste management company licensed to do business in New York and the Town of Clarence. The dumpster will comply with all local and state solid waste management regulations.

All trash and construction debris from the site will be deposited in the dumpster. The dumpster will be emptied a minimum of twice per week or more often if necessary, and the trash will be hauled to a landfill approved by the NYSDEC. No construction waste materials will be buried on site. All personnel will be instructed regarding the correct procedures for waste disposal.

All waste dumpsters and roll-off containers will be located in an area where the likelihood of the containers contributing to storm water discharges is negligible. If required, additional BMPs must be implemented, such as sandbags around the base, to prevent wastes from contributing to storm water discharges. The location of waste dumpsters and roll-off containers must be identified on a plan by the contractor once the locations have been determined.

F. Sanitary Wastes

Portable toilet units or field offices with toilet facilities connected to the municipal sanitary sewer will be used for sanitary purposes. All portable toilet units will be emptied a minimum of once per week by a licensed portable facility provided in compliance with local and state regulations.

All sanitary waste units will be located in an area where the likelihood of the unit contributing to storm water discharges is negligible. If required, additional BMPs must be implemented, such as sandbags around the base, to prevent wastes from contributing to storm water discharges. The location of sanitary waste units must be identified on a plan by the contractor once the locations have been determined.

G. Contaminated Soils

Any contaminated soils (resulting from spills of materials with hazardous properties) which may result from construction activities will be contained and cleaned up immediately in accordance with the procedures given in the Materials Management Plan and in accordance with applicable state and federal regulations.

**118.3 SPILL PREVENTION AND RESPONSE PROCEDURES**

The Contractor will train all personnel in the proper handling and cleanup of spilled materials. No spilled hazardous materials or hazardous wastes will be allowed to come in contact with storm water discharges. If such contact occurs, the storm water discharge will be contained on site until appropriate measures in compliance with state and federal regulations are taken to dispose of such contaminated storm water. It shall be the responsibility of the job site superintendent to properly train all personnel in spill prevention and clean up procedures.

A. In order to minimize the potential for a spill of hazardous materials to come into contact with storm water, the following steps will be implemented:

1. All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, cleaning solvents, additives for soil stabilization, concrete curing compounds and additives, etc.) will be stored in a secure location, with their lids on, preferably under cover, when not in use.
2. The minimum practical quantity of all such materials will be kept on the job site.
3. A spill control and containment kit (containing, for example, absorbent materials, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.
4. Manufacturer's recommended methods for spill cleanup will be clearly posted and site personnel will be trained regarding these procedures and the location of the information and cleanup supplies.

B. In the event of a spill, the following procedures should be followed

1. All spills will be cleaned up immediately after discovery.
2. The spill area will be kept well ventilated, and personnel will wear appropriate protective clothing to prevent injury from contact with the hazardous substances.
3. The project manager and the Engineer of Record will be notified immediately.



Spills of toxic or hazardous materials will be reported to the appropriate federal, state, and/or local government agency, regardless of the size of the spill. Spills of amounts that exceed Reportable Quantities of certain substances specifically mentioned in federal regulations (40 CFR 110, 40 CFR 117, and 40 CFR 302) must be immediately reported to the EPA National Response Center, telephone 1-100-424-1102. From SWPPP-9 "Reportable Quantity Release Form" must be filled out.

4. If the spill exceeds a Reportable Quantity, the SWPPP must be modified within seven (7) calendar days of knowledge of the discharge to provide a description of the release, the circumstances leading to the release, and the date of the release. The plans must identify measures to prevent the recurrence of such releases and to respond to such releases.
- C. The job site superintendent will be the spill prevention and response coordinator. He will designate the individuals who will receive spill prevention and response training. These individuals will each become responsible for a particular phase of prevention and response. The names of these personnel will be posted in the material storage area and in the office trailer onsite.

#### 119 CONTROL OF NON-STORM WATER DISCHARGES

Certain types of discharges are allowable under the NYSDEC SPDES General Permit for Construction Activity for the State of New York, and it is the intent of this SWPPP to allow such discharges. These types of discharges will be allowed under the conditions that no pollutants will be allowed to come in contact with the water prior to or after its discharge. The control measures which have been outlined previously in this SWPPP will be strictly followed to ensure that no contamination of these non-storm water discharges takes place. The following allowable non-storm water discharges which may occur at the job site include:

- A. Discharges from firefighting activities.
- B. Fire hydrant flushings (see note below).
- C. Waters used to wash vehicles or control dust in order to minimize offsite sediment tracking.
- D. Routine external building washdown which does not use detergents.
- E. Pavement wash waters where spills or leaks of hazardous materials have not occurred or detergents have not been used.
- F. Air conditioning condensate.
- G. Springs or other uncontaminated groundwater, including dewatering ground water infiltration.
- H. Foundation or footing drains where no contamination with process materials such as solvents is present.

Note: The Contractor shall discharge any super-chlorinated water from water distribution pipe disinfection activities into sanitary sewer system.

## 120 STORM WATER CONTROL FACILITY MAINTENANCE

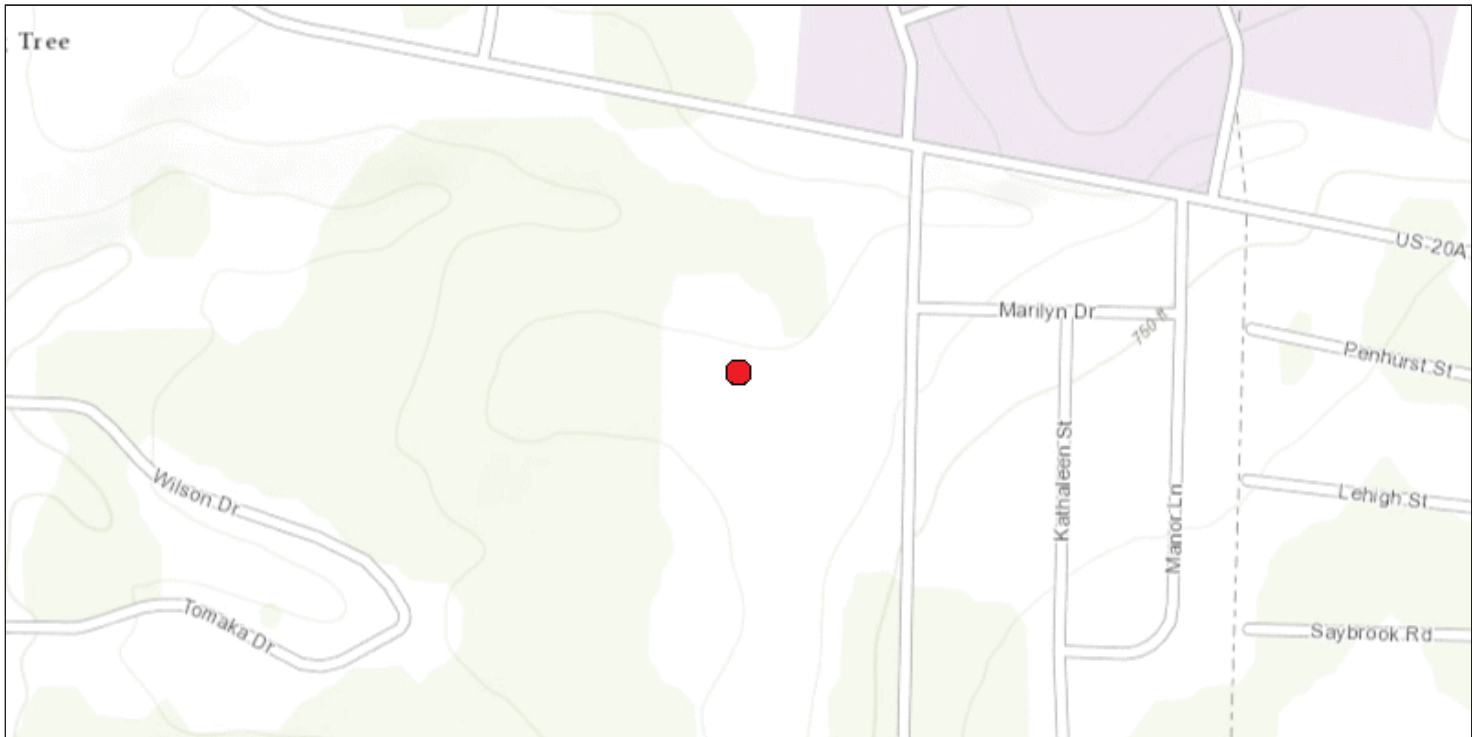
Upon completion of construction, the HOA assumes responsibility for ensuring that the stormwater facilities are regularly inspected and maintained. Maintenance and inspection procedures are as follows (for applicable items).

1. On a quarterly basis and following significant rainfall events or snow-melts, perform the following:
  - Remove and properly dispose of any collected debris and sediment in accordance with applicable state, federal and local regulations.
  - Inspect grassed/landscaped areas for un-vegetated areas or areas with less than 85% healthy stand of grass and reseed and mulch as necessary. Water daily if reseeded in July and August.
  - A record of all inspections should be kept.
2. Maintain all lawn areas by regular mowing, including the grassed slopes of the stormwater pond and any grass swales. Any eroded areas shall be regarded, seeded, and mulched immediately.
3. Long term maintenance of the pond and bioretention facilities shall be performed by the HOA, and adhere to the Town of Hamburg Stormwater Maintenance Agreement, as provided in Appendix L. The frequency of inspections for the stormwater pond shall match the frequencies listed on the "Stormwater Pond/Wetland Operation, Maintenance and Management Inspection Checklist" in Appendix K of the SWPPP. The frequency of inspections for the bioretention areas shall match the frequencies listed on the "Bioretention Operation, Maintenance and Management Inspection Checklist" in Appendix K of the SWPPP. The HOA shall provide a qualified inspector to inspect and maintain all post-construction stormwater management practices. The checklists provided in Appendix L shall be submitted to the Town of Hamburg Stormwater Management Officer each time an inspection is conducted.

The proposed catch basins within public easements and right-of-way will be maintained by the Town of Hamburg, and shall be inspected and any silt buildup over 6" in depth shall be removed and disposed of properly off-site. The HOA and applicable lot owners are responsible for maintaining the public easement area.

**Appendix A**  
**Site Location Map**

# Stormwater Interactive Map



The coordinates of the point you clicked on are:

**UTM 18**

**Easting:** 188867.402

**Northing:** 4741900.524

**Longitude/Latitude**

**Latitude:** 42.767

**Longitude:** -78.803

The approximate address of the point you clicked on is:

Town of Hamburg, New York

**County:** Erie

**Town:** Hamburg

**USGS Quad:** BUFFALO SE

## DEC Administrative Boundaries

### Region 9:

(Western New York) Allegany, Chautauqua, Cattaraugus, Erie, Niagara and Wyoming counties. For more information visit <http://www.dec.ny.gov/about/617.html>.

## Waterbody Classifications for Rivers/Streams

**Regulation:** undefined

**Standard:** undefined

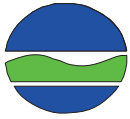
**Classification:** undefined

## Appendix B

### NYSDEC Notice of Intent (NOI)



# NOTICE OF INTENT



## New York State Department of Environmental Conservation

### Division of Water

625 Broadway, 4th Floor

Albany, New York 12233-3505

NYR        
(for DEC use only)

### Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-0-20-001

All sections must be completed unless otherwise noted. Failure to complete all items may result in this form being returned to you, thereby delaying your coverage under this General Permit. Applicants must read and understand the conditions of the permit and prepare a Stormwater Pollution Prevention Plan prior to submitting this NOI. Applicants are responsible for identifying and obtaining other DEC permits that may be required.

### -IMPORTANT-

**RETURN THIS FORM TO THE ADDRESS ABOVE**

OWNER/OPERATOR MUST SIGN FORM

#### Owner/Operator Information

Owner/Operator (Company Name/Private Owner Name/Municipality Name)

P a r k e r   R o a d   D e v e l o p m e n t ,   L L C

Owner/Operator Contact Person Last Name (NOT CONSULTANT)

M A N K O

Owner/Operator Contact Person First Name

D A V E

Owner/Operator Mailing Address

4 5 3 4   C l i n t o n   S t r e e t ,   S u i t e   4

City

W e s t   S e n e c a

State

N Y

Zip

1 4 2 2 4 -

Phone (Owner/Operator)

7 1 6 - 5 8 3 - 1 4 6 2

Fax (Owner/Operator)

- -

Email (Owner/Operator)

d l m a n k o @ a o l . c o m

FED TAX ID

- (not required for individuals)

## Project Site Information

Project/Site Name

S i n g l e F a m i l y S u b d i v i s i o n

Street Address (NOT P.O. BOX)

P a r k e r R o a d

Side of Street

☐ North ☐ South ☐ East ☒ West

City/Town/Village (THAT ISSUES BUILDING PERMIT)

H a m b u r g

State

N Y

Zip

1 4 0 7 5 -

County

E r i e

DEC Region

9

Name of Nearest Cross Street

B i g T r e e R o a d ( 2 0 A )

Distance to Nearest Cross Street (Feet)

4 8 5

Project In Relation to Cross Street

☐ North ☐ South ☐ East ☒ WestTax Map Numbers  
Section-Block-Parcel

1 6 0 . 2 0 - 2 - 2 . 1

Tax Map Numbers

1. Provide the Geographic Coordinates for the project site. To do this, go to the NYSDEC Stormwater Interactive Map on the DEC website at:

<https://gisservices.dec.ny.gov/gis/stormwater/>

Zoom into your Project Location such that you can accurately click on the centroid of your site. Once you have located the centroid of your project site, go to the bottom right hand corner of the map for the X, Y coordinates. Enter the coordinates into the boxes below. For problems with the interactive map use the help function.

X Coordinates (Easting)

-7 8 8 0 2 0

Ex. -73.749

Y Coordinates (Northing)

4 2 7 6 7 0

Ex. 42.652

2. What is the nature of this construction project?

☒ New Construction☐ Redevelopment with increase in impervious area☐ Redevelopment with no increase in impervious area

3. Select the predominant land use for both pre and post development conditions.

**SELECT ONLY ONE CHOICE FOR EACH**

**Pre-Development  
Existing Land Use**

- ☐ FOREST  
☐ PASTURE/OPEN LAND  
☒ CULTIVATED LAND  
☐ SINGLE FAMILY HOME  
☐ SINGLE FAMILY SUBDIVISION  
☐ TOWN HOME RESIDENTIAL  
☐ MULTIFAMILY RESIDENTIAL  
☐ INSTITUTIONAL/SCHOOL  
☐ INDUSTRIAL  
☐ COMMERCIAL  
☐ ROAD/HIGHWAY  
☐ RECREATIONAL/SPORTS FIELD  
☐ BIKE PATH/TRAIL  
☐ LINEAR UTILITY  
☐ PARKING LOT  
☐ OTHER

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Post-Development  
Future Land Use**

- ☐ SINGLE FAMILY HOME  
☒ SINGLE FAMILY SUBDIVISION  
☐ TOWN HOME RESIDENTIAL  
☐ MULTIFAMILY RESIDENTIAL  
☐ INSTITUTIONAL/SCHOOL  
☐ INDUSTRIAL  
☐ COMMERCIAL  
☐ MUNICIPAL  
☐ ROAD/HIGHWAY  
☐ RECREATIONAL/SPORTS FIELD  
☐ BIKE PATH/TRAIL  
☐ LINEAR UTILITY (water, sewer, gas, etc.)  
☐ PARKING LOT  
☐ CLEARING/GRADING ONLY  
☐ DEMOLITION, NO REDEVELOPMENT  
☐ WELL DRILLING ACTIVITY \*(Oil, Gas, etc.)  
☐ OTHER

Number of Lots

	5	8
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**\*Note:** for gas well drilling, non-high volume hydraulic fractured wells only

4. In accordance with the larger common plan of development or sale, enter the total project site area; the total area to be disturbed; existing impervious area to be disturbed (for redevelopment activities); and the future impervious area constructed within the disturbed area. (Round to the nearest tenth of an acre.)

**Total Site  
Area**

		4	1	.	0
--	--	---	---	---	---

**Total Area To  
Be Disturbed**

		2	7	.	7
--	--	---	---	---	---

**Existing Impervious  
Area To Be Disturbed**

			0	.	0
--	--	--	---	---	---

**Future Impervious  
Area Within  
Disturbed Area**

			7	.	5
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5. Do you plan to disturb more than 5 acres of soil at any one time?

☒ Yes ☐ No

6. Indicate the percentage of each Hydrologic Soil Group (HSG) at the site.

**A**

			%
--	--	--	---

**B**

			%
--	--	--	---

**C**

			%
--	--	--	---

**D**

1	0	0	%
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7. Is this a phased project?

☐ Yes ☒ No

8. Enter the planned start and end dates of the disturbance activities.

**Start Date**

0	2	/	0	1	/	2	0	2	4
---	---	---	---	---	---	---	---	---	---

**End Date**

0	2	/	0	1	/	2	0	2	6
---	---	---	---	---	---	---	---	---	---

9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.

Name

J	u	r	i	s	d	i	c	t	i	o	n	a	l		w	e	t	l	a	n	d	s																	
I	n	t	e	r	m	i	t	t	e	n	t		t	r	i	b	u	t	a	r	y		t	o		R	u	s	h		C	r	e	e	k				

[illegible]

I	n	t	e	r	m	i	t	t	e	n	t		t	r	i	b	u	t	a	r	y		t	o		R	u	s	h		C	r	e	e	k				
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9a. Type of waterbody identified in Question 9?

- ☐ Wetland / State Jurisdiction On Site (Answer 9b)
- ☐ Wetland / State Jurisdiction Off Site
- ☒ Wetland / Federal Jurisdiction On Site (Answer 9b)
- ☐ Wetland / Federal Jurisdiction Off Site
- ☒ Stream / Creek On Site
- ☒ Stream / Creek Off Site
- ☐ River On Site
- ☐ River Off Site
- ☐ Lake On Site
- ☐ Lake Off Site
- ☐ Other Type On Site
- ☐ Other Type Off Site

9b. How was the wetland identified?

- ☐ Regulatory Map
- ☒ Delineated by Consultant
- ☐ Delineated by Army Corps of Engineers
- ☐ Other (identify)

☐ Regulatory Map

☒ Delineated by Consultant

☐ Delineated by Army Corps of Engineers

☐ Other (identify)

10. Has the surface waterbody(ies) in question 9 been identified as a 303(d) segment in Appendix E of GP-0-20-001? ☒ Yes ☐ No

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-20-001? ☐ Yes ☒ No

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-20-001? ☐ Yes ☒ No

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters? ☐ Yes ☒ No

**If no, skip question 13.**

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters? ☐ Yes ☒ No  
If no, skip question 13.

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey? ☐ Yes ☒ No  
If Yes, what is the acreage to be disturbed?  

--	--	--	--	--

 . 

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13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey? ☐ Yes ☒ No

**If Yes, what is the acreage to be disturbed?**

.

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area? ☐ Yes ☒ No

Page 4 of 14

15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)? ☐ Yes ☒ No ☐ Unknown

- [illegible]

17. Does any runoff from the site enter a sewer classified as a Combined Sewer? ☐ Yes ☒ No ☐ Unknown

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law? ☐ Yes ☒ No

19. Is this property owned by a state authority, state agency, federal government or local government? ☐ Yes ☒ No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.) ☐ Yes ☒ No

21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)? ☒ Yes ☐ No

22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)? ☒ Yes ☐ No
- If No, skip questions 23 and 27-39.**

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual? ☒ Yes ☐ No



24. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:

- ☒ Professional Engineer (P.E.)
- ☐ Soil and Water Conservation District (SWCD)
- ☐ Registered Landscape Architect (R.L.A.)
- ☐ Certified Professional in Erosion and Sediment Control (CPESC)
- ☐ Owner/Operator
- ☐ Other

[illegible]

SWPPP Preparer

[illegible]

Contact Name (Last, Space, First)

[illegible]

Mailing Address

[illegible]

City

[illegible]

State Zip

N	Y	1	4	2	0	3	-				
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Phone

7	1	6	-	8	4	2	-	3	1	6	5
---	---	---	---	---	---	---	---	---	---	---	---

Fax

7	1	6	-	8	4	2	-	0	2	6	3
---	---	---	---	---	---	---	---	---	---	---	---

Email

c	w	o	o	d	@	c	a	r	m	i	n	a	w	o	o	d	e	s	i	g	n	.	c	o	m
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[illegible]

## SWPPP Preparer Certification

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-20-001. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

First Name

C	h	r	i	s	t	o	p	h	e	r									
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MI

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**Last Name**

[illegible]

Signature

Case

Date \_\_\_\_\_

	1
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/

	2
	5

/

	2	0	2	4
--	---	---	---	---

☒ Yes      ☐ No

26. Select **all** of the erosion and sediment control practices that will be employed on the project site:

## Temporary Structural

- ☐ Check Dams
- ☐ Construction Road Stabilization
- ☒ Dust Control
- ☐ Earth Dike
- ☐ Level Spreader
- ☐ Perimeter Dike/Swale
- ☐ Pipe Slope Drain
- ☐ Portable Sediment Tank
- ☐ Rock Dam
- ☒ Sediment Basin
- ☐ Sediment Traps
- ☒ Silt Fence
- ☒ Stabilized Construction Entrance
- ☒ Storm Drain Inlet Protection
- ☐ Straw/Hay Bale Dike
- ☐ Temporary Access Waterway Crossing
- ☐ Temporary Stormdrain Diversion
- ☐ Temporary Swale
- ☐ Turbidity Curtain
- ☐ Water bars

## Biotechnical

- Brush Matting
- Wattling

Other

[illegible]

### Vegetative Measures

- ☐ Brush Matting
- ☐ Dune Stabilization
- ☐ Grassed Waterway
- ☒ Mulching
- ☒ Protecting Vegetation
- ☐ Recreation Area Improvement
- ☒ Seeding
- ☐ Sodding
- ☐ Straw/Hay Bale Dike
- ☐ Streambank Protection
- ☐ Temporary Swale
- ☒ Topsoiling
- ☐ Vegetating Waterways

## Permanent Structural

- ☐ Debris Basin
- ☐ Diversion
- ☐ Grade Stabilization Structure
- ☐ Land Grading
- ☐ Lined Waterway (Rock)
- ☐ Paved Channel (Concrete)
- ☐ Paved Flume
- ☐ Retaining Wall
- ☐ Riprap Slope Protection
- ☐ Rock Outlet Protection
- ☐ Streambank Protection

**Post-construction Stormwater Management Practice (SMP) Requirements**

**Important:** Completion of Questions 27-39 is not required if response to Question 22 is No.

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.

- ☒ **Preservation of Undisturbed Areas**
- ☒ **Preservation of Buffers**
- ☒ **Reduction of Clearing and Grading**
- ☐ **Locating Development in Less Sensitive Areas**
- ☐ **Roadway Reduction**
- ☐ **Sidewalk Reduction**
- ☐ **Driveway Reduction**
- ☐ **Cul-de-sac Reduction**
- ☐ **Building Footprint Reduction**
- ☐ **Parking Reduction**

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).

- ☒ All disturbed areas will be restored in accordance with the Soil Restoration requirements in Table 5.3 of the Design Manual (see page 5-22).
- ☐ Compacted areas were considered as impervious cover when calculating the **WQv Required**, and the compacted areas were assigned a post-construction Hydrologic Soil Group (HSG) designation that is one level less permeable than existing conditions for the hydrology analysis.

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout).

**Total WQv Required**

.    **acre-feet**

29. Identify the RR techniques (Area Reduction), RR techniques (Volume Reduction) and Standard SMPs with RRv Capacity in Table 1 (See Page 9) that were used to reduce the Total WQv Required (#28).

Also, provide in Table 1 the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

**Note:** Redevelopment projects shall use Tables 1 and 2 to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.

**Table 1 - Runoff Reduction (RR) Techniques  
and Standard Stormwater Management  
Practices (SMPs)**

<u>RR Techniques (Area Reduction)</u>	<u>Total Contributing Area (acres)</u>	<u>Total Contributing Impervious Area (acres)</u>
<input checked="" type="radio"/> Conservation of Natural Areas (RR-1) ...	<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>	and/or <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Sheetflow to Riparian Buffers/Filters Strips (RR-2) .....	<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>	and/or <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Tree Planting/Tree Pit (RR-3) .....	<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>	and/or <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Disconnection of Rooftop Runoff (RR-4) ..	<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>	and/or <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
 <u>RR Techniques (Volume Reduction)</u>		
<input type="radio"/> Vegetated Swale (RR-5) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Rain Garden (RR-6) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Stormwater Planter (RR-7) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Rain Barrel/Cistern (RR-8) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Porous Pavement (RR-9) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Green Roof (RR-10) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
 <u>Standard SMPs with RRv Capacity</u>		
<input type="radio"/> Infiltration Trench (I-1) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Infiltration Basin (I-2) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Dry Well (I-3) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Underground Infiltration System (I-4) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input checked="" type="radio"/> Bioretention (F-5) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px; text-align: center;">7</table> . <table border="1" style="display: inline-table; width: 60px; height: 20px; text-align: center;">5 0</table>
<input type="radio"/> Dry Swale (O-1) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
 <u>Standard SMPs</u>		
<input type="radio"/> Micropool Extended Detention (P-1) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Wet Pond (P-2) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Wet Extended Detention (P-3) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Multiple Pond System (P-4) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Pocket Pond (P-5) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Surface Sand Filter (F-1) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Underground Sand Filter (F-2) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Perimeter Sand Filter (F-3) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Organic Filter (F-4) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Shallow Wetland (W-1) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Extended Detention Wetland (W-2) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Pond/Wetland System (W-3) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Pocket Wetland (W-4) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>
<input type="radio"/> Wet Swale (O-2) .....		<table border="1" style="display: inline-table; width: 60px; height: 20px;"></table> . <table border="1" style="display: inline-table; width: 60px; height: 20px;"></table>

Table 2 - Alternative SMPs  
(DO NOT INCLUDE PRACTICES BEING  
USED FOR PRETREATMENT ONLY)

Alternative SMP		Total Contributing Impervious Area (acres)			
<input type="radio"/> Hydrodynamic .....					
<input type="radio"/> Wet Vault .....					
<input type="radio"/> Media Filter .....					
<input type="radio"/> Other					

Provide the name and manufacturer of the Alternative SMPs (i.e. proprietary practice(s)) being used for WQv treatment.

[illegible]

**Note:** Redevelopment projects which do not use RR techniques, shall use questions 28, 29, 33 and 33a to provide SMPs used, total WQv required and total WQv provided for the project.

30. Indicate the Total RRv provided by the RR techniques (Area/Volume Reduction) and Standard SMPs with RRv capacity identified in question 29.

Total RRv provided

		0
--	--	---

 . 

1	2	2
---	---	---

**acre-feet**

31. Is the Total RRv provided (#30) greater than or equal to the total WQv required (#28).

☐ Yes      ☒ No

If Yes, go to question 36.

If No, go to question 32.

32. Provide the Minimum RRv required based on HSG.  
[Minimum RRv Required = (P) (0.95) (Ai)/12, Ai=(S) (Aic)]

### Minimum RRv Required

		0
--	--	---

.

1	1	9
---	---	---

acre-feet

- 32a. Is the Total RRv provided (#30) greater than or equal to the Minimum RRv Required (#32)?

☒ Yes      ☐ No

If Yes, go to question 33.

**Note:** Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100% of WQv required (#28). A detailed evaluation of the specific site limitations and justification for not reducing 100% of the WQv required (#28) must also be included in the SWPPP.

If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.



33. Identify the Standard SMPs in Table 1 and, if applicable, the Alternative SMPs in Table 2 that were used to treat the remaining total WQv(=Total WQv Required in 28 - Total RRv Provided in 30).

Also, provide in Table 1 and 2 the total impervious area that contributes runoff to each practice selected.

**Note:** Use Tables 1 and 2 to identify the SMPs used on Redevelopment projects.

- 33a. Indicate the Total WQv provided (i.e. WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRv Capacity identified in question 29.

**WQv Provided**

0 .  5  7  7 **acre-feet**

**Note:** For the standard SMPs with RRv capacity, the WQv provided by each practice = the WQv calculated using the contributing drainage area to the practice - RRv provided by the practice. (See Table 3.5 in Design Manual)

34. Provide the sum of the Total RRv provided (#30) and the WQv provided (#33a).

0 .  6  9  9

35. Is the sum of the RRv provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)? ☒ **Yes** ☐ **No**

**If Yes, go to question 36.**

**If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.**

36. Provide the total Channel Protection Storage Volume (CPv) required and provided or select waiver (36a), if applicable.

**CPv Required**

1 .  0  8  7 **acre-feet**

**CPv Provided**

1 .  0  8  7 **acre-feet**

- 36a. The need to provide channel protection has been waived because:

- ☐ Site discharges directly to tidal waters or a fifth order or larger stream.
- ☐ Reduction of the total CPv is achieved on site through runoff reduction techniques or infiltration systems.

37. Provide the Overbank Flood (Qp) and Extreme Flood (Qf) control criteria or select waiver (37a), if applicable.

**Total Overbank Flood Control Criteria (Qp)**

**Pre-Development**

3  7 .  3  2  **CFS**

**Post-development**

1  0 .  8  1  **CFS**

**Total Extreme Flood Control Criteria (Qf)**

**Pre-Development**

6  4 .  6  9  **CFS**

**Post-development**

3  0 .  6  1  **CFS**

37a. The need to meet the Qp and Qf criteria has been waived because:

- ☐ Site discharges directly to tidal waters or a fifth order or larger stream.
- ☐ Downstream analysis reveals that the Qp and Qf controls are not required

- ☐ Yes      ☒ No

[illegible]

39. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required(#28). (See question 32a)  
This space can also be used for other pertinent project information.

40. Identify other DEC permits, existing and new, that are required for this project/facility.

- ☐ Air Pollution Control
  - ☐ Coastal Erosion
  - ☐ Hazardous Waste
  - ☐ Long Island Wells
  - ☐ Mined Land Reclamation
  - ☐ Solid Waste
  - ☐ Navigable Waters Protection / Article 15
  - ☐ Water Quality Certificate
  - ☐ Dam Safety
  - ☐ Water Supply
  - ☐ Freshwater Wetlands/Article 24
  - ☐ Tidal Wetlands
  - ☐ Wild, Scenic and Recreational Rivers
  - ☐ Stream Bed or Bank Protection / Article 15
  - ☐ Endangered or Threatened Species(Incidental Take Permit)
  - ☐ Individual SPDES
  - ☐ SPDES Multi-Sector GP 

N	Y	R						
---	---	---	--	--	--	--	--	--
  - ☐ Other 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
  - ☒ None

41. Does this project require a US Army Corps of Engineers Wetland Permit? ☐ ☐ ☐ ☐ ☐ ☐

☒ Yes      ☐ No

If Yes, Indicate Size of Impact.

	3	0	9	2	.	8
--	---	---	---	---	---	---

42. Is this project subject to the requirements of a regulated, traditional land use control MS4?  
(If No, skip question 43)

☒ Yes      ☐ No

43. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI?

☒ Yes      ☐ No

44. If this NOI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned. 

N	Y	D				
---	---	---	--	--	--	--

N	Y	R						
---	---	---	--	--	--	--	--	--

**Owner/Operator Certification**

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

**Print First Name**

D	A	V	E																
---	---	---	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**MI**

--

**Print Last Name**

M	A	N	K	O															
---	---	---	---	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Owner/Operator Signature**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Date**

		/			/				
--	--	---	--	--	---	--	--	--	--

## Appendix C

### MS4 SWPPP Acceptance Form





**Department of  
Environmental  
Conservation**

**NYS Department of Environmental Conservation  
Division of Water  
625 Broadway, 4th Floor  
Albany, New York 12233-3505**

**MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance  
Form**

for

**Construction Activities Seeking Authorization Under SPDES General Permit**

\*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

**I. Project Owner/Operator Information**

1. Owner/Operator Name: Parker Road Development, LLC  
2. Contact Person: Dave Manko  
3. Street Address: 4534 Clinton Street, Suite 4  
4. City/State/Zip: West Seneca, NY 14224

**II. Project Site Information**

5. Project/Site Name: Parker Road Subdivision  
6. Street Address: Parker Road  
7. City/State/Zip: Hamburg, NY 14075

**III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information**

8. SWPPP Reviewed by:  
9. Title/Position:  
10. Date Final SWPPP Reviewed and Accepted:

**IV. Regulated MS4 Information**

11. Name of MS4:  
12. MS4 SPDES Permit Identification Number: NYR20A  
13. Contact Person:  
14. Street Address:  
15. City/State/Zip:  
16. Telephone Number:

## **MS4 SWPPP Acceptance Form - continued**

### **V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative**

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s). Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

### **VI. Additional Information**

## Appendix D

NYSDEC SPDES General Permit for Stormwater Discharges from  
Construction Activity Permit No. GP-0-20-001



Department of  
Environmental  
Conservation

NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPDES GENERAL PERMIT  
FOR STORMWATER DISCHARGES

From

**CONSTRUCTION ACTIVITY**

Permit No. GP- 0-20-001

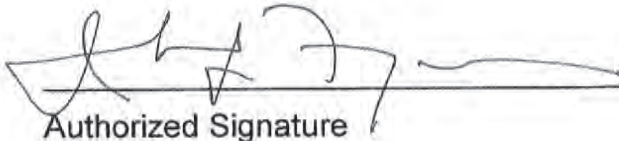
Issued Pursuant to Article 17, Titles 7, 8 and Article 70  
of the Environmental Conservation Law

Effective Date: January 29, 2020

Expiration Date: January 28, 2025

John J. Ferguson

Chief Permit Administrator



Authorized Signature

1-23-20  
Date

Address: NYS DEC  
Division of Environmental Permits  
625 Broadway, 4th Floor  
Albany, N.Y. 12233-1750

## PREFACE

Pursuant to Section 402 of the Clean Water Act (“CWA”), stormwater *discharges* from certain *construction activities* are unlawful unless they are authorized by a *National Pollutant Discharge Elimination System (“NPDES”)* permit or by a state permit program. New York administers the approved State Pollutant Discharge Elimination System (SPDES) program with permits issued in accordance with the New York State Environmental Conservation Law (ECL) Article 17, Titles 7, 8 and Article 70.

An *owner or operator* of a *construction activity* that is eligible for coverage under this permit must obtain coverage prior to the *commencement of construction activity*. Activities that fit the definition of “*construction activity*”, as defined under 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), constitute construction of a *point source* and therefore, pursuant to ECL section 17-0505 and 17-0701, the *owner or operator* must have coverage under a SPDES permit prior to *commencing construction activity*. The *owner or operator* cannot wait until there is an actual *discharge* from the *construction site* to obtain permit coverage.

**Note: The italicized words/phrases within this permit are defined in Appendix A.**



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM  
CONSTRUCTION ACTIVITIES**

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## Part 1. PERMIT COVERAGE AND LIMITATIONS

### A. Permit Application

This permit authorizes stormwater *discharges to surface waters of the State* from the following *construction activities* identified within 40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii), provided all of the eligibility provisions of this permit are met:

1. *Construction activities* involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a *larger common plan of development or sale* that will ultimately disturb one or more acres of land; excluding *routine maintenance activity* that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility;
2. *Construction activities* involving soil disturbances of less than one (1) acre where the Department has determined that a *SPDES* permit is required for stormwater *discharges* based on the potential for contribution to a violation of a *water quality standard* or for significant contribution of *pollutants to surface waters of the State*.
3. *Construction activities* located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.

### B. Effluent Limitations Applicable to Discharges from Construction Activities

*Discharges* authorized by this permit must achieve, at a minimum, the effluent limitations in Part I.B.1. (a) – (f) of this permit. These limitations represent the degree of effluent reduction attainable by the application of best practicable technology currently available.

1. Erosion and Sediment Control Requirements - The *owner or operator* must select, design, install, implement and maintain control measures to *minimize the discharge of pollutants* and prevent a violation of the *water quality standards*. The selection, design, installation, implementation, and maintenance of these control measures must meet the non-numeric effluent limitations in Part I.B.1.(a) – (f) of this permit and be in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, using sound engineering judgment. Where control measures are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must include in the *Stormwater Pollution Prevention Plan* ("SWPPP") the reason(s) for the

deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

- a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion and sediment controls to *minimize* the *discharge* of *pollutants* and prevent a violation of the *water quality standards*. At a minimum, such controls must be designed, installed and maintained to:
- (i) *Minimize* soil erosion through application of runoff control and soil stabilization control measure to *minimize pollutant discharges*;
  - (ii) Control stormwater *discharges*, including both peak flowrates and total stormwater volume, to *minimize* channel and *streambank* erosion and scour in the immediate vicinity of the *discharge* points;
  - (iii) *Minimize* the amount of soil exposed during *construction activity*;
  - (iv) *Minimize* the disturbance of *steep slopes*;
  - (v) *Minimize* sediment *discharges* from the site;
  - (vi) Provide and maintain *natural buffers* around surface waters, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce *pollutant discharges*, unless *infeasible*;
  - (vii) *Minimize* soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted;
  - (viii) Unless *infeasible*, preserve a sufficient amount of topsoil to complete soil restoration and establish a uniform, dense vegetative cover; and
  - (ix) *Minimize* dust. On areas of exposed soil, *minimize* dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged from the site.
- b. **Soil Stabilization.** In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. For construction sites that *directly discharge* to one of the 303(d) segments

listed in Appendix E or is located in one of the watersheds listed in Appendix C, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. See Appendix A for definition of *Temporarily Ceased*.

- c. **Dewatering.** *Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, must be managed by appropriate control measures.*
- d. **Pollution Prevention Measures.** Design, install, implement, and maintain effective pollution prevention measures to *minimize the discharge of pollutants* and prevent a violation of the *water quality standards*. At a minimum, such measures must be designed, installed, implemented and maintained to:
  - (i) *Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. This applies to washing operations that use clean water only. Soaps, detergents and solvents cannot be used;*
  - (ii) *Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, hazardous and toxic waste, and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use) ; and*
  - (iii) *Prevent the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.*
- e. **Prohibited Discharges.** The following *discharges* are prohibited:
  - (i) *Wastewater from washout of concrete;*
  - (ii) *Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;*



- (iii) Fuels, oils, or other *pollutants* used in vehicle and equipment operation and maintenance;
  - (iv) Soaps or solvents used in vehicle and equipment washing; and
  - (v) Toxic or hazardous substances from a spill or other release.
- f. Surface Outlets. When discharging from basins and impoundments, the outlets shall be designed, constructed and maintained in such a manner that sediment does not leave the basin or impoundment and that erosion at or below the outlet does not occur.

### **C. Post-construction Stormwater Management Practice Requirements**

1. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must select, design, install, and maintain the practices to meet the *performance criteria* in the New York State Stormwater Management Design Manual (“Design Manual”), dated January 2015, using sound engineering judgment. Where post-construction stormwater management practices (“SMPs”) are not designed in conformance with the *performance criteria* in the Design Manual, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. The *owner or operator* of a *construction activity* that requires post-construction stormwater management practices pursuant to Part III.C. of this permit must design the practices to meet the applicable *sizing criteria* in Part I.C.2.a., b., c. or d. of this permit.

#### **a. Sizing Criteria for New Development**

- (i) Runoff Reduction Volume (“RRv”): Reduce the total Water Quality Volume (“WQv”) by application of RR techniques and standard SMPs with RRv capacity. The total WQv shall be calculated in accordance with the criteria in Section 4.2 of the Design Manual.
- (ii) Minimum RRv and Treatment of Remaining Total WQv: Construction activities that cannot meet the criteria in Part I.C.2.a.(i) of this permit due to site limitations shall direct runoff from all newly constructed impervious areas to a RR technique or standard SMP with RRv capacity unless infeasible. The specific site limitations that prevent the reduction of 100 % of the WQv shall be documented in the SWPPP.

For each impervious area that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered infeasible.

**In no case shall the runoff reduction achieved from the newly constructed impervious areas be less than the Minimum RRv as calculated using the criteria in Section 4.3 of the Design Manual.** The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume (“Cpv”): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
  - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
  - (2) The site discharges directly to tidal waters, or fifth order or larger streams.
- (iv) *Overbank* Flood Control Criteria (“Qp”): Requires storage to attenuate the post-development 10-year, 24-hour peak discharge rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
  - (1) the site discharges directly to tidal waters or fifth order or larger streams, or
  - (2) A downstream analysis reveals that *overbank* control is not required.
- (v) Extreme Flood Control Criteria (“Qf”): Requires storage to attenuate the post-development 100-year, 24-hour peak discharge rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
  - (1) the site discharges directly to tidal waters or fifth order or larger streams, or
  - (2) A downstream analysis reveals that *overbank* control is not required.

**b. Sizing Criteria for New Development in Enhanced Phosphorus Removal Watershed**

- (i) Runoff Reduction Volume (RRv): Reduce the total Water Quality Volume (WQv) by application of RR techniques and standard SMPs with RRv capacity. The total WQv is the runoff volume from the 1-year, 24 hour design storm over the post-developed watershed and shall be

calculated in accordance with the criteria in Section 10.3 of the Design Manual.

- (ii) Minimum RRv and Treatment of Remaining Total WQv: *Construction activities* that cannot meet the criteria in Part I.C.2.b.(i) of this permit due to *site limitations* shall direct runoff from all newly constructed *impervious areas* to a RR technique or standard SMP with RRv capacity unless *infeasible*. The specific *site limitations* that prevent the reduction of 100% of the WQv shall be documented in the SWPPP. For each *impervious area* that is not directed to a RR technique or standard SMP with RRv capacity, the SWPPP must include documentation which demonstrates that all options were considered and for each option explains why it is considered *infeasible*.

**In no case shall the runoff reduction achieved from the newly constructed *impervious areas* be less than the Minimum RRv as calculated using the criteria in Section 10.3 of the Design Manual.** The remaining portion of the total WQv that cannot be reduced shall be treated by application of standard SMPs.

- (iii) Channel Protection Volume (Cpv): Provide 24 hour extended detention of the post-developed 1-year, 24-hour storm event; remaining after runoff reduction. The Cpv requirement does not apply when:
  - (1) Reduction of the entire Cpv is achieved by application of runoff reduction techniques or infiltration systems, or
  - (2) The site *discharges* directly to tidal waters, or fifth order or larger streams.
- (iv) Overbank Flood Control Criteria (Qp): Requires storage to attenuate the post-development 10-year, 24-hour peak *discharge* rate (Qp) to predevelopment rates. The Qp requirement does not apply when:
  - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
  - (2) A downstream analysis reveals that *overbank* control is not required.
- (v) Extreme Flood Control Criteria (Qf): Requires storage to attenuate the post-development 100-year, 24-hour peak *discharge* rate (Qf) to predevelopment rates. The Qf requirement does not apply when:
  - (1) the site *discharges* directly to tidal waters or fifth order or larger streams, or
  - (2) A downstream analysis reveals that *overbank* control is not required.

### c. Sizing Criteria for Redevelopment Activity

- (i) Water Quality Volume (WQv): The WQv treatment objective for *redevelopment activity* shall be addressed by one of the following options. *Redevelopment activities* located in an Enhanced Phosphorus Removal Watershed (see Part III.B.3. and Appendix C of this permit) shall calculate the WQv in accordance with Section 10.3 of the Design Manual. All other *redevelopment activities* shall calculate the WQv in accordance with Section 4.2 of the Design Manual.
  - (1) Reduce the existing *impervious cover* by a minimum of 25% of the total disturbed, *impervious area*. The Soil Restoration criteria in Section 5.1.6 of the Design Manual must be applied to all newly created pervious areas, or
  - (2) Capture and treat a minimum of 25% of the WQv from the disturbed, *impervious area* by the application of standard SMPs; or reduce 25% of the WQv from the disturbed, *impervious area* by the application of RR techniques or standard SMPs with RRv capacity., or
  - (3) Capture and treat a minimum of 75% of the WQv from the disturbed, *impervious area* as well as any additional runoff from tributary areas by application of the alternative practices discussed in Sections 9.3 and 9.4 of the Design Manual., or
  - (4) Application of a combination of 1, 2 and 3 above that provide a weighted average of at least two of the above methods. Application of this method shall be in accordance with the criteria in Section 9.2.1(B) (IV) of the Design Manual.

If there is an existing post-construction stormwater management practice located on the site that captures and treats runoff from the *impervious area* that is being disturbed, the WQv treatment option selected must, at a minimum, provide treatment equal to the treatment that was being provided by the existing practice(s) if that treatment is greater than the treatment required by options 1 – 4 above.

- (ii) Channel Protection Volume (Cpv): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.
- (iii) Overbank Flood Control Criteria (Qp): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site.
- (iv) Extreme Flood Control Criteria (Qf): Not required if there are no changes to hydrology that increase the *discharge* rate from the project site

**d. Sizing Criteria for Combination of Redevelopment Activity and New Development**

Construction projects that include both New Development and Redevelopment Activity shall provide post-construction stormwater management controls that meet the sizing criteria calculated as an aggregate of the Sizing Criteria in Part I.C.2.a. or b. of this permit for the New Development portion of the project and Part I.C.2.c of this permit for Redevelopment Activity portion of the project.

**D. Maintaining Water Quality**

The Department expects that compliance with the conditions of this permit will control *discharges* necessary to meet applicable *water quality standards*. It shall be a violation of the *ECL* for any discharge to either cause or contribute to a violation of *water quality standards* as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, such as:

1. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions;
2. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters for their best usages; and
3. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.

If there is evidence indicating that the stormwater *discharges* authorized by this permit are causing, have the reasonable potential to cause, or are contributing to a violation of the *water quality standards*; the *owner or operator* must take appropriate corrective action in accordance with Part IV.C.5. of this general permit and document in accordance with Part IV.C.4. of this general permit. To address the *water quality standard* violation the *owner or operator* may need to provide additional information, include and implement appropriate controls in the SWPPP to correct the problem, or obtain an individual SPDES permit.

If there is evidence indicating that despite compliance with the terms and conditions of this general permit it is demonstrated that the stormwater *discharges* authorized by this permit are causing or contributing to a violation of *water quality standards*, or if the Department determines that a modification of the permit is necessary to prevent a violation of *water quality standards*, the authorized *discharges* will no longer be eligible for coverage under this permit. The Department may require the *owner or operator* to obtain an individual SPDES permit to continue discharging.

## **E. Eligibility Under This General Permit**

1. This permit may authorize all *discharges* of stormwater from *construction activity* to *surface waters of the State* and *groundwaters* except for ineligible *discharges* identified under subparagraph F. of this Part.
2. Except for non-stormwater *discharges* explicitly listed in the next paragraph, this permit only authorizes stormwater *discharges*; including stormwater runoff, snowmelt runoff, and surface runoff and drainage, from *construction activities*.
3. Notwithstanding paragraphs E.1 and E.2 above, the following non-stormwater discharges are authorized by this permit: those listed in 6 NYCRR 750-1.2(a)(29)(vi), with the following exception: “Discharges from firefighting activities are authorized only when the firefighting activities are emergencies/unplanned”; waters to which other components have not been added that are used to control dust in accordance with the SWPPP; and uncontaminated *discharges* from *construction site* de-watering operations. All non-stormwater discharges must be identified in the SWPPP. Under all circumstances, the *owner or operator* must still comply with *water quality standards* in Part I.D of this permit.
4. The *owner or operator* must maintain permit eligibility to *discharge* under this permit. Any *discharges* that are not compliant with the eligibility conditions of this permit are not authorized by the permit and the *owner or operator* must either apply for a separate permit to cover those ineligible *discharges* or take steps necessary to make the *discharge* eligible for coverage.

## **F. Activities Which Are Ineligible for Coverage Under This General Permit**

All of the following are **not** authorized by this permit:

1. *Discharges* after *construction activities* have been completed and the site has undergone *final stabilization*;
2. *Discharges* that are mixed with sources of non-stormwater other than those expressly authorized under subsection E.3. of this Part and identified in the SWPPP required by this permit;
3. *Discharges* that are required to obtain an individual SPDES permit or another SPDES general permit pursuant to Part VII.K. of this permit;
4. *Construction activities* or *discharges* from *construction activities* that may adversely affect an *endangered or threatened species* unless the *owner or*



*operator* has obtained a permit issued pursuant to 6 NYCRR Part 182 for the project or the Department has issued a letter of non-jurisdiction for the project. All documentation necessary to demonstrate eligibility shall be maintained on site in accordance with Part II.D.2 of this permit;

5. *Discharges* which either cause or contribute to a violation of *water quality standards* adopted pursuant to the *ECL* and its accompanying regulations;
6. *Construction activities* for residential, commercial and institutional projects:
  - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
  - b. Which are undertaken on land with no existing *impervious cover*; and
  - c. Which disturb one (1) or more acres of land designated on the current United States Department of Agriculture ("USDA") Soil Survey as Soil Slope Phase "D", (provided the map unit name is inclusive of slopes greater than 25°), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.
7. *Construction activities* for linear transportation projects and linear utility projects:
  - a. Where the *discharges* from the *construction activities* are tributary to waters of the state classified as AA or AA-s; and
  - b. Which are undertaken on land with no existing *impervious cover*; and
  - c. Which disturb two (2) or more acres of land designated on the current USDA Soil Survey as Soil Slope Phase "D" (provided the map unit name is inclusive of slopes greater than 25°), or Soil Slope Phase "E" or "F" (regardless of the map unit name), or a combination of the three designations.

8. *Construction activities* that have the potential to affect an *historic property*, unless there is documentation that such impacts have been resolved. The following documentation necessary to demonstrate eligibility with this requirement shall be maintained on site in accordance with Part II.D.2 of this permit and made available to the Department in accordance with Part VII.F of this permit:
- a. Documentation that the *construction activity* is not within an archeologically sensitive area indicated on the sensitivity map, and that the *construction activity* is not located on or immediately adjacent to a property listed or determined to be eligible for listing on the National or State Registers of Historic Places, and that there is no new permanent building on the *construction site* within the following distances from a building, structure, or object that is more than 50 years old, or if there is such a new permanent building on the *construction site* within those parameters that NYS Office of Parks, Recreation and Historic Preservation (OPRHP), a Historic Preservation Commission of a Certified Local Government, or a qualified preservation professional has determined that the building, structure, or object more than 50 years old is not historically/archeologically significant.
    - 1-5 acres of disturbance - 20 feet
    - 5-20 acres of disturbance - 50 feet
    - 20 acres of disturbance - 100 feet, or
  - b. DEC consultation form sent to OPRHP, and copied to the NYS DEC Agency Historic Preservation Officer (APO), and
    - (i) the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) with a negative declaration or the Findings Statement, with documentation of OPRHP's agreement with the resolution; or
    - (ii) documentation from OPRHP that the *construction activity* will result in No Impact; or
    - (iii) documentation from OPRHP providing a determination of No Adverse Impact; or
    - (iv) a Letter of Resolution signed by the owner/operator, OPRHP and the DEC APO which allows for this *construction activity* to be eligible for coverage under the general permit in terms of the State Historic Preservation Act (SHPA); or
  - c. Documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act for a coterminous project area:

- (i) No Affect
- (ii) No Adverse Affect
- (iii) Executed Memorandum of Agreement, or

d. Documentation that:

- (i) SHPA Section 14.09 has been completed by NYS DEC or another state agency.

9. *Discharges from construction activities* that are subject to an existing SPDES individual or general permit where a SPDES permit for *construction activity* has been terminated or denied; or where the *owner or operator* has failed to renew an expired individual permit.

## Part II. PERMIT COVERAGE

### A. How to Obtain Coverage

1. An *owner or operator* of a *construction activity* that is not subject to the requirements of a regulated, traditional land use control MS4 must first prepare a SWPPP in accordance with all applicable requirements of this permit and then submit a completed Notice of Intent (NOI) to the Department to be authorized to discharge under this permit.
2. An *owner or operator* of a *construction activity* that is subject to the requirements of a *regulated, traditional land use control MS4* must first prepare a SWPPP in accordance with all applicable requirements of this permit and then have the SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department. The *owner or operator* shall have the "MS4 SWPPP Acceptance" form signed in accordance with Part VII.H., and then submit that form along with a completed NOI to the Department.
3. The requirement for an *owner or operator* to have its SWPPP reviewed and accepted by the *regulated, traditional land use control MS4* prior to submitting the NOI to the Department does not apply to an *owner or operator* that is obtaining permit coverage in accordance with the requirements in Part II.F. (Change of Owner or Operator) or where the *owner or operator* of the *construction activity* is the *regulated, traditional land use control MS4*. This exemption does not apply to *construction activities* subject to the New York City Administrative Code.

## **B. Notice of Intent (NOI) Submittal**

1. Prior to December 21, 2020, an owner or operator shall use either the electronic (eNOI) or paper version of the NOI that the Department prepared. Both versions of the NOI are located on the Department's website (<http://www.dec.ny.gov/>). The paper version of the NOI shall be signed in accordance with Part VII.H. of this permit and submitted to the following address:

**NOTICE OF INTENT  
NYS DEC, Bureau of Water Permits  
625 Broadway, 4<sup>th</sup> Floor  
Albany, New York 12233-3505**

2. Beginning December 21, 2020 and in accordance with EPA's 2015 NPDES Electronic Reporting Rule (40 CFR Part 127), the *owner or operator* must submit the NOI electronically using the *Department's* online NOI.
3. The *owner or operator* shall have the SWPPP preparer sign the "SWPPP Preparer Certification" statement on the NOI prior to submitting the form to the Department.
4. As of the date the NOI is submitted to the Department, the *owner or operator* shall make the NOI and SWPPP available for review and copying in accordance with the requirements in Part VII.F. of this permit.

## **C. Permit Authorization**

1. An *owner or operator* shall not *commence construction activity* until their authorization to *discharge* under this permit goes into effect.
2. Authorization to *discharge* under this permit will be effective when the *owner or operator* has satisfied all of the following criteria:
  - a. project review pursuant to the State Environmental Quality Review Act ("SEQRA") have been satisfied, when SEQRA is applicable. See the Department's website (<http://www.dec.ny.gov/>) for more information,
  - b. where required, all necessary Department permits subject to the *Uniform Procedures Act* ("UPA") (see 6 NYCRR Part 621), or the equivalent from another New York State agency, have been obtained, unless otherwise notified by the Department pursuant to 6 NYCRR 621.3(a)(4). *Owners or operators of construction activities* that are required to obtain UPA permits

must submit a preliminary SWPPP to the appropriate DEC Permit Administrator at the Regional Office listed in Appendix F at the time all other necessary *UPA* permit applications are submitted. The preliminary SWPPP must include sufficient information to demonstrate that the *construction activity* qualifies for authorization under this permit,

- c. the final SWPPP has been prepared, and
  - d. a complete NOI has been submitted to the Department in accordance with the requirements of this permit.
3. An *owner or operator* that has satisfied the requirements of Part II.C.2 above will be authorized to *discharge* stormwater from their *construction activity* in accordance with the following schedule:
- a. For *construction activities* that are not subject to the requirements of a *regulated, traditional land use control MS4*:
    - (i) Five (5) business days from the date the Department receives a complete electronic version of the NOI (eNOI) for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.; or
    - (ii) Sixty (60) business days from the date the Department receives a complete NOI (electronic or paper version) for *construction activities* with a SWPPP that has not been prepared in conformance with the design criteria in technical standard referenced in Part III.B.1. or, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C., the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, or;
    - (iii) Ten (10) business days from the date the Department receives a complete paper version of the NOI for *construction activities* with a SWPPP that has been prepared in conformance with the design criteria in the technical standard referenced in Part III.B.1 and the *performance criteria* in the technical standard referenced in Parts III.B., 2 or 3, for *construction activities* that require post-construction stormwater management practices pursuant to Part III.C.

- b. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*:
  - (i) Five (5) business days from the date the Department receives both a complete electronic version of the NOI (eNOI) and signed “MS4 SWPPP Acceptance” form, or
  - (ii) Ten (10) business days from the date the Department receives both a complete paper version of the NOI and signed “MS4 SWPPP Acceptance” form.
4. Coverage under this permit authorizes stormwater *discharges* from only those areas of disturbance that are identified in the NOI. If an *owner or operator* wishes to have stormwater *discharges* from future or additional areas of disturbance authorized, they must submit a new NOI that addresses that phase of the development, unless otherwise notified by the Department. The *owner or operator* shall not *commence construction activity* on the future or additional areas until their authorization to *discharge* under this permit goes into effect in accordance with Part II.C. of this permit.

#### **D. General Requirements For Owners or Operators With Permit Coverage**

1. The *owner or operator* shall ensure that the provisions of the SWPPP are implemented from the *commencement of construction activity* until all areas of disturbance have achieved *final stabilization* and the Notice of Termination (“NOT”) has been submitted to the Department in accordance with Part V. of this permit. This includes any changes made to the SWPPP pursuant to Part III.A.4. of this permit.
2. The *owner or operator* shall maintain a copy of the General Permit (GP-0-20-001), NOI, *NOI Acknowledgment Letter*, SWPPP, MS4 SWPPP Acceptance form, inspection reports, responsible contractor’s or subcontractor’s certification statement (see Part III.A.6.), and all documentation necessary to demonstrate eligibility with this permit at the *construction site* until all disturbed areas have achieved *final stabilization* and the NOT has been submitted to the Department. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.
3. The *owner or operator* of a *construction activity* shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a *regulated, traditional land*



*use control MS4, the regulated, traditional land use control MS4 (provided the regulated, traditional land use control MS4 is not the owner or operator of the construction activity). At a minimum, the owner or operator must comply with the following requirements in order to be authorized to disturb greater than five (5) acres of soil at any one time:*

- a. The *owner or operator* shall have a *qualified inspector* conduct **at least** two (2) site inspections in accordance with Part IV.C. of this permit every seven (7) calendar days, for as long as greater than five (5) acres of soil remain disturbed. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
  - b. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016.
  - c. The *owner or operator* shall prepare a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.
  - d. The *owner or operator* shall install any additional site-specific practices needed to protect water quality.
  - e. The *owner or operator* shall include the requirements above in their SWPPP.
4. In accordance with statute, regulations, and the terms and conditions of this permit, the Department may suspend or revoke an *owner's or operator's* coverage under this permit at any time if the Department determines that the SWPPP does not meet the permit requirements or consistent with Part VII.K..
  5. Upon a finding of significant non-compliance with the practices described in the SWPPP or violation of this permit, the Department may order an immediate stop to all activity at the site until the non-compliance is remedied. The stop work order shall be in writing, describe the non-compliance in detail, and be sent to the *owner or operator*.
  6. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4*, the *owner or operator* shall notify the

*regulated, traditional land use control MS4* in writing of any planned amendments or modifications to the post-construction stormwater management practice component of the SWPPP required by Part III.A. 4. and 5. of this permit. Unless otherwise notified by the *regulated, traditional land use control MS4*, the *owner or operator* shall have the SWPPP amendments or modifications reviewed and accepted by the *regulated, traditional land use control MS4* prior to commencing construction of the post-construction stormwater management practice.

#### **E. Permit Coverage for Discharges Authorized Under GP-0-15-002**

1. Upon renewal of SPDES General Permit for Stormwater Discharges from *Construction Activity* (Permit No. GP-0-15-002), an *owner or operator* of a *construction activity* with coverage under GP-0-15-002, as of the effective date of GP- 0-20-001, shall be authorized to *discharge* in accordance with GP- 0-20-001, unless otherwise notified by the Department.

An *owner or operator* may continue to implement the technical/design components of the post-construction stormwater management controls provided that such design was done in conformance with the technical standards in place at the time of initial project authorization. However, they must comply with the other, non-design provisions of GP-0-20-001.

#### **F. Change of Owner or Operator**

1. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original *owner or operator* must notify the new *owner or operator*, in writing, of the requirement to obtain permit coverage by submitting a NOI with the Department. For *construction activities* subject to the requirements of a *regulated, traditional land use control MS4*, the original *owner or operator* must also notify the MS4, in writing, of the change in ownership at least 30 calendar days prior to the change in ownership.
2. Once the new *owner or operator* obtains permit coverage, the original *owner or operator* shall then submit a completed NOT with the name and permit identification number of the new *owner or operator* to the Department at the address in Part II.B.1. of this permit. If the original *owner or operator* maintains ownership of a portion of the *construction activity* and will disturb soil, they must maintain their coverage under the permit.
3. Permit coverage for the new *owner or operator* will be effective as of the date the Department receives a complete NOI, provided the original *owner or*

*operator* was not subject to a sixty (60) business day authorization period that has not expired as of the date the Department receives the NOI from the new *owner or operator*.

### Part III. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

#### A. General SWPPP Requirements

1. A SWPPP shall be prepared and implemented by the *owner or operator* of each *construction activity* covered by this permit. The SWPPP must document the selection, design, installation, implementation and maintenance of the control measures and practices that will be used to meet the effluent limitations in Part I.B. of this permit and where applicable, the post-construction stormwater management practice requirements in Part I.C. of this permit. The SWPPP shall be prepared prior to the submittal of the NOI. The NOI shall be submitted to the Department prior to the *commencement of construction activity*. A copy of the completed, final NOI shall be included in the SWPPP.
2. The SWPPP shall describe the erosion and sediment control practices and where required, post-construction stormwater management practices that will be used and/or constructed to reduce the *pollutants* in stormwater *discharges* and to assure compliance with the terms and conditions of this permit. In addition, the SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater *discharges*.
3. All SWPPPs that require the post-construction stormwater management practice component shall be prepared by a *qualified professional* that is knowledgeable in the principles and practices of stormwater management and treatment.
4. The *owner or operator* must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the *owner or operator* shall amend the SWPPP, including construction drawings:
  - a. whenever the current provisions prove to be ineffective in minimizing *pollutants* in stormwater *discharges* from the site;

- b. whenever there is a change in design, construction, or operation at the *construction site* that has or could have an effect on the *discharge* of *pollutants*;
  - c. to address issues or deficiencies identified during an inspection by the *qualified inspector*, the Department or other regulatory authority; and
  - d. to document the final construction conditions.
5. The Department may notify the *owner or operator* at any time that the SWPPP does not meet one or more of the minimum requirements of this permit. The notification shall be in writing and identify the provisions of the SWPPP that require modification. Within fourteen (14) calendar days of such notification, or as otherwise indicated by the Department, the *owner or operator* shall make the required changes to the SWPPP and submit written notification to the Department that the changes have been made. If the *owner or operator* does not respond to the Department's comments in the specified time frame, the Department may suspend the *owner's or operator's* coverage under this permit or require the *owner or operator* to obtain coverage under an individual SPDES permit in accordance with Part II.D.4. of this permit.
6. Prior to the *commencement of construction activity*, the *owner or operator* must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP; and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The *owner or operator* shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the *trained contractor*. The *owner or operator* shall ensure that at least one *trained contractor* is on site on a daily basis when soil disturbance activities are being performed.

The *owner or operator* shall have each of the contractors and subcontractors identified above sign a copy of the following certification statement below before they commence any *construction activity*:

"I hereby certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the *owner or operator* must comply with

the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater *discharges* from *construction activities* and that it is unlawful for any person to cause or contribute to a violation of *water quality standards*. Furthermore, I am aware that there are significant penalties for submitting false information, that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations"

In addition to providing the certification statement above, the certification page must also identify the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and include the name and title of the person providing the signature; the name and title of the *trained contractor* responsible for SWPPP implementation; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification statement is signed. The *owner or operator* shall attach the certification statement(s) to the copy of the SWPPP that is maintained at the *construction site*. If new or additional contractors are hired to implement measures identified in the SWPPP after construction has commenced, they must also sign the certification statement and provide the information listed above.

7. For projects where the Department requests a copy of the SWPPP or inspection reports, the *owner or operator* shall submit the documents in both electronic (PDF only) and paper format within five (5) business days, unless otherwise notified by the Department.

## **B. Required SWPPP Contents**

1. Erosion and sediment control component - All SWPPPs prepared pursuant to this permit shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Where erosion and sediment control practices are not designed in conformance with the design criteria included in the technical standard, the *owner or operator* must demonstrate *equivalence* to the technical standard. At a minimum, the erosion and sediment control component of the SWPPP shall include the following:
  - a. Background information about the scope of the project, including the location, type and size of project

- b. A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map shall show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); floodplain/floodway boundaries; wetlands and drainage patterns that could be affected by the *construction activity*; existing and final contours ; locations of different soil types with boundaries; material, waste, borrow or equipment storage areas located on adjacent properties; and location(s) of the stormwater *discharge(s)*;
- c. A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG);
- d. A construction phasing plan and sequence of operations describing the intended order of *construction activities*, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance;
- e. A description of the minimum erosion and sediment control practices to be installed or implemented for each *construction activity* that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;
- f. A temporary and permanent soil stabilization plan that meets the requirements of this general permit and the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, for each stage of the project, including initial land clearing and grubbing to project completion and achievement of *final stabilization*;
- g. A site map/construction drawing(s) showing the specific location(s), size(s), and length(s) of each erosion and sediment control practice;
- h. The dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
- i. A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection



schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016;

- j. A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a *pollutant* source in the stormwater *discharges*;
  - k. A description and location of any stormwater *discharges* associated with industrial activity other than construction at the site, including, but not limited to, stormwater *discharges* from asphalt plants and concrete plants located on the *construction site*; and
  - l. Identification of any elements of the design that are not in conformance with the design criteria in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.
2. Post-construction stormwater management practice component – The *owner or operator* of any construction project identified in Table 2 of Appendix B as needing post-construction stormwater management practices shall prepare a SWPPP that includes practices designed in conformance with the applicable *sizing criteria* in Part I.C.2.a., c. or d. of this permit and the *performance criteria* in the technical standard, New York State Stormwater Management Design Manual dated January 2015

Where post-construction stormwater management practices are not designed in conformance with the *performance criteria* in the technical standard, the *owner or operator* must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the technical standard.

The post-construction stormwater management practice component of the SWPPP shall include the following:

- a. Identification of all post-construction stormwater management practices to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;

- b. A site map/construction drawing(s) showing the specific location and size of each post-construction stormwater management practice;
- c. A Stormwater Modeling and Analysis Report that includes:
  - (i) Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;
  - (ii) Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;
  - (iii) Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre and post-development runoff rates and volumes for the different storm events;
  - (iv) Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the *sizing criteria* included in the Design Manual;
  - (v) Identification of any *sizing criteria* that is not required based on the requirements included in Part I.C. of this permit; and
  - (vi) Identification of any elements of the design that are not in conformance with the *performance criteria* in the Design Manual. Include the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is *equivalent* to the Design Manual;
- d. Soil testing results and locations (test pits, borings);
- e. Infiltration test results, when required; and
- f. An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice.

3. Enhanced Phosphorus Removal Standards - All construction projects identified in Table 2 of Appendix B that are located in the watersheds identified in Appendix C shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the applicable *sizing criteria* in Part I.C.2. b., c. or d. of this permit and the *performance criteria*, Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items 2.a - 2.f. above.

### **C. Required SWPPP Components by Project Type**

Unless otherwise notified by the Department, *owners or operators of construction activities* identified in Table 1 of Appendix B are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of this permit. *Owners or operators of the construction activities* identified in Table 2 of Appendix B shall prepare a SWPPP that also includes post-construction stormwater management practices designed in conformance with Part III.B.2 or 3 of this permit.

## **Part IV. INSPECTION AND MAINTENANCE REQUIREMENTS**

### **A. General Construction Site Inspection and Maintenance Requirements**

1. The *owner or operator* must ensure that all erosion and sediment control practices (including pollution prevention measures) and all post-construction stormwater management practices identified in the SWPPP are inspected and maintained in accordance with Part IV.B. and C. of this permit.
2. The terms of this permit shall not be construed to prohibit the State of New York from exercising any authority pursuant to the ECL, common law or federal law, or prohibit New York State from taking any measures, whether civil or criminal, to prevent violations of the laws of the State of New York or protect the public health and safety and/or the environment.

### **B. Contractor Maintenance Inspection Requirements**

1. The *owner or operator* of each *construction activity* identified in Tables 1 and 2 of Appendix B shall have a *trained contractor* inspect the erosion and sediment control practices and pollution prevention measures being implemented within the active work area daily to ensure that they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall

begin implementing corrective actions within one business day and shall complete the corrective actions in a reasonable time frame.

2. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *trained contractor* can stop conducting the maintenance inspections. The *trained contractor* shall begin conducting the maintenance inspections in accordance with Part IV.B.1. of this permit as soon as soil disturbance activities resume.
3. For construction sites where soil disturbance activities have been shut down with partial project completion, the *trained contractor* can stop conducting the maintenance inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational.

### C. Qualified Inspector Inspection Requirements

The *owner or operator* shall have a *qualified inspector* conduct site inspections in conformance with the following requirements:

[Note: The *trained contractor* identified in Part III.A.6. and IV.B. of this permit **cannot** conduct the *qualified inspector* site inspections unless they meet the *qualified inspector* qualifications included in Appendix A. In order to perform these inspections, the *trained contractor* would have to be a:

- licensed Professional Engineer,
  - Certified Professional in Erosion and Sediment Control (CPESC),
  - New York State Erosion and Sediment Control Certificate Program holder
  - Registered Landscape Architect, or
  - someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity].
1. A *qualified inspector* shall conduct site inspections for all *construction activities* identified in Tables 1 and 2 of Appendix B, with the exception of:
    - a. the construction of a single family residential subdivision with 25 or less *impervious cover* at total site build-out that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located

in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;

- b. the construction of a single family home that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres and is not located in one of the watersheds listed in Appendix C and not directly discharging to one of the 303(d) segments listed in Appendix E;
  - c. construction on agricultural property that involves a soil disturbance of one (1) or more acres of land but less than five (5) acres; and
  - d. *construction activities* located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.
2. Unless otherwise notified by the Department, the *qualified inspector* shall conduct site inspections in accordance with the following timetable:
- a. For construction sites where soil disturbance activities are on-going, the *qualified inspector* shall conduct a site inspection at least once every seven (7) calendar days.
  - b. For construction sites where soil disturbance activities are on-going and the *owner or operator* has received authorization in accordance with Part II.D.3 to disturb greater than five (5) acres of soil at any one time, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
  - c. For construction sites where soil disturbance activities have been temporarily suspended (e.g. winter shutdown) and *temporary stabilization* measures have been applied to all disturbed areas, the *qualified inspector* shall conduct a site inspection at least once every thirty (30) calendar days. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to reducing the frequency of inspections.

- d. For construction sites where soil disturbance activities have been shut down with partial project completion, the *qualified inspector* can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved *final stabilization* and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The *owner or operator* shall notify the DOW Water (SPDES) Program contact at the Regional Office (see contact information in Appendix F) or, in areas under the jurisdiction of a *regulated, traditional land use control MS4*, the *regulated, traditional land use control MS4* (provided the *regulated, traditional land use control MS4* is not the *owner or operator* of the *construction activity*) in writing prior to the shutdown. If soil disturbance activities are not resumed within 2 years from the date of shutdown, the *owner or operator* shall have the *qualified inspector* perform a final inspection and certify that all disturbed areas have achieved *final stabilization*, and all temporary, structural erosion and sediment control measures have been removed; and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the “*Final Stabilization*” and “*Post-Construction Stormwater Management Practice*” certification statements on the NOT. The *owner or operator* shall then submit the completed NOT form to the address in Part II.B.1 of this permit.
  - e. For construction sites that directly *discharge* to one of the 303(d) segments listed in Appendix E or is located in one of the watersheds listed in Appendix C, the *qualified inspector* shall conduct at least two (2) site inspections every seven (7) calendar days. The two (2) inspections shall be separated by a minimum of two (2) full calendar days.
3. At a minimum, the *qualified inspector* shall inspect all erosion and sediment control practices and pollution prevention measures to ensure integrity and effectiveness, all post-construction stormwater management practices under construction to ensure that they are constructed in conformance with the SWPPP, all areas of disturbance that have not achieved *final stabilization*, all points of *discharge* to natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site*, and all points of *discharge* from the *construction site*.
  4. The *qualified inspector* shall prepare an inspection report subsequent to each and every inspection. At a minimum, the inspection report shall include and/or address the following:



- a. Date and time of inspection;
- b. Name and title of person(s) performing inspection;
- c. A description of the weather and soil conditions (e.g. dry, wet, saturated) at the time of the inspection;
- d. A description of the condition of the runoff at all points of *discharge* from the *construction site*. This shall include identification of any *discharges* of sediment from the *construction site*. Include *discharges* from conveyance systems (i.e. pipes, culverts, ditches, etc.) and overland flow;
- e. A description of the condition of all natural surface waterbodies located within, or immediately adjacent to, the property boundaries of the *construction site* which receive runoff from disturbed areas. This shall include identification of any *discharges* of sediment to the surface waterbody;
- f. Identification of all erosion and sediment control practices and pollution prevention measures that need repair or maintenance;
- g. Identification of all erosion and sediment control practices and pollution prevention measures that were not installed properly or are not functioning as designed and need to be reinstalled or replaced;
- h. Description and sketch of areas with active soil disturbance activity, areas that have been disturbed but are inactive at the time of the inspection, and areas that have been stabilized (temporary and/or final) since the last inspection;
- i. Current phase of construction of all post-construction stormwater management practices and identification of all construction that is not in conformance with the SWPPP and technical standards;
- j. Corrective action(s) that must be taken to install, repair, replace or maintain erosion and sediment control practices and pollution prevention measures; and to correct deficiencies identified with the construction of the post-construction stormwater management practice(s);
- k. Identification and status of all corrective actions that were required by previous inspection; and

- I. Digital photographs, with date stamp, that clearly show the condition of all practices that have been identified as needing corrective actions. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report being maintained onsite within seven (7) calendar days of the date of the inspection. The *qualified inspector* shall also take digital photographs, with date stamp, that clearly show the condition of the practice(s) after the corrective action has been completed. The *qualified inspector* shall attach paper color copies of the digital photographs to the inspection report that documents the completion of the corrective action work within seven (7) calendar days of that inspection.
5. Within one business day of the completion of an inspection, the *qualified inspector* shall notify the *owner or operator* and appropriate contractor or subcontractor identified in Part III.A.6. of this permit of any corrective actions that need to be taken. The contractor or subcontractor shall begin implementing the corrective actions within one business day of this notification and shall complete the corrective actions in a reasonable time frame.
6. All inspection reports shall be signed by the *qualified inspector*. Pursuant to Part II.D.2. of this permit, the inspection reports shall be maintained on site with the SWPPP.

## **Part V. TERMINATION OF PERMIT COVERAGE**

### **A. Termination of Permit Coverage**

1. An *owner or operator* that is eligible to terminate coverage under this permit must submit a completed NOT form to the address in Part II.B.1 of this permit. The NOT form shall be one which is associated with this permit, signed in accordance with Part VII.H of this permit.
2. An *owner or operator* may terminate coverage when one or more the following conditions have been met:
  - a. Total project completion - All *construction activity* identified in the SWPPP has been completed; and all areas of disturbance have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices have been constructed in conformance with the SWPPP and are operational;

- b. Planned shutdown with partial project completion - All soil disturbance activities have ceased; and all areas disturbed as of the project shutdown date have achieved *final stabilization*; and all temporary, structural erosion and sediment control measures have been removed; and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational;
  - c. A new *owner or operator* has obtained coverage under this permit in accordance with Part II.F. of this permit.
  - d. The *owner or operator* obtains coverage under an alternative SPDES general permit or an individual SPDES permit.
3. For *construction activities* meeting subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *qualified inspector* perform a final site inspection prior to submitting the NOT. The *qualified inspector* shall, by signing the “*Final Stabilization*” and “Post-Construction Stormwater Management Practice certification statements on the NOT, certify that all the requirements in Part V.A.2.a. or b. of this permit have been achieved.
4. For *construction activities* that are subject to the requirements of a *regulated, traditional land use control MS4* and meet subdivision 2a. or 2b. of this Part, the *owner or operator* shall have the *regulated, traditional land use control MS4* sign the “MS4 Acceptance” statement on the NOT in accordance with the requirements in Part VII.H. of this permit. The *regulated, traditional land use control MS4* official, by signing this statement, has determined that it is acceptable for the *owner or operator* to submit the NOT in accordance with the requirements of this Part. The *regulated, traditional land use control MS4* can make this determination by performing a final site inspection themselves or by accepting the *qualified inspector’s* final site inspection certification(s) required in Part V.A.3. of this permit.
5. For *construction activities* that require post-construction stormwater management practices and meet subdivision 2a. of this Part, the *owner or operator* must, prior to submitting the NOT, ensure one of the following:
- a. the post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain such practice(s) have been deeded to the municipality in which the practice(s) is located,

- b. an executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s),
- c. for post-construction stormwater management practices that are privately owned, the *owner or operator* has a mechanism in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the *owner or operator's* deed of record,
- d. for post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university, hospital), government agency or authority, or public utility; the *owner or operator* has policy and procedures in place that ensures operation and maintenance of the practices in accordance with the operation and maintenance plan.

## **Part VI. REPORTING AND RETENTION RECORDS**

### **A. Record Retention**

The *owner or operator* shall retain a copy of the NOI, NOI Acknowledgment Letter, SWPPP, MS4 SWPPP Acceptance form and any inspection reports that were prepared in conjunction with this permit for a period of at least five (5) years from the date that the Department receives a complete NOT submitted in accordance with Part V. of this general permit.

### **B. Addresses**

With the exception of the NOI, NOT, and MS4 SWPPP Acceptance form (which must be submitted to the address referenced in Part II.B.1 of this permit), all written correspondence requested by the Department, including individual permit applications, shall be sent to the address of the appropriate DOW Water (SPDES) Program contact at the Regional Office listed in Appendix F.

## **Part VII. STANDARD PERMIT CONDITIONS**

### **A. Duty to Comply**

The *owner or operator* must comply with all conditions of this permit. All contractors and subcontractors associated with the project must comply with the terms of the SWPPP. Any non-compliance with this permit constitutes a violation of the Clean Water

Act (CWA) and the ECL and is grounds for an enforcement action against the *owner or operator* and/or the contractor/subcontractor; permit revocation, suspension or modification; or denial of a permit renewal application. Upon a finding of significant non-compliance with this permit or the applicable SWPPP, the Department may order an immediate stop to all *construction activity* at the site until the non-compliance is remedied. The stop work order shall be in writing, shall describe the non-compliance in detail, and shall be sent to the *owner or operator*.

If any human remains or archaeological remains are encountered during excavation, the *owner or operator* must immediately cease, or cause to cease, all *construction activity* in the area of the remains and notify the appropriate Regional Water Engineer (RWE). *Construction activity* shall not resume until written permission to do so has been received from the RWE.

## **B. Continuation of the Expired General Permit**

This permit expires five (5) years from the effective date. If a new general permit is not issued prior to the expiration of this general permit, an *owner or operator* with coverage under this permit may continue to operate and *discharge* in accordance with the terms and conditions of this general permit, if it is extended pursuant to the State Administrative Procedure Act and 6 NYCRR Part 621, until a new general permit is issued.

## **C. Enforcement**

Failure of the *owner or operator*, its contractors, subcontractors, agents and/or assigns to strictly adhere to any of the permit requirements contained herein shall constitute a violation of this permit. There are substantial criminal, civil, and administrative penalties associated with violating the provisions of this permit. Fines of up to 37,500 per day for each violation and imprisonment for up to fifteen (15) years may be assessed depending upon the nature and degree of the offense.

## **D. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for an *owner or operator* in an enforcement action that it would have been necessary to halt or reduce the *construction activity* in order to maintain compliance with the conditions of this permit.

### **E. Duty to Mitigate**

The *owner or operator* and its contractors and subcontractors shall take all reasonable steps to *minimize* or prevent any *discharge* in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

### **F. Duty to Provide Information**

The *owner or operator* shall furnish to the Department, within a reasonable specified time period of a written request, all documentation necessary to demonstrate eligibility and any information to determine compliance with this permit or to determine whether cause exists for modifying or revoking this permit, or suspending or denying coverage under this permit, in accordance with the terms and conditions of this permit. The NOI, SWPPP and inspection reports required by this permit are public documents that the *owner or operator* must make available for review and copying by any person within five (5) business days of the *owner or operator* receiving a written request by any such person to review these documents. Copying of documents will be done at the requester's expense.

### **G. Other Information**

When the *owner or operator* becomes aware that they failed to submit any relevant facts, or submitted incorrect information in the NOI or in any of the documents required by this permit, or have made substantive revisions to the SWPPP (e.g. the scope of the project changes significantly, the type of post-construction stormwater management practice(s) changes, there is a reduction in the sizing of the post-construction stormwater management practice, or there is an increase in the disturbance area or *impervious area*), which were not reflected in the original NOI submitted to the Department, they shall promptly submit such facts or information to the Department using the contact information in Part II.A. of this permit. Failure of the *owner or operator* to correct or supplement any relevant facts within five (5) business days of becoming aware of the deficiency shall constitute a violation of this permit.

### **H. Signatory Requirements**

1. All NOIs and NOTs shall be signed as follows:
  - a. For a corporation these forms shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:



- (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (ii) the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship these forms shall be signed by a general partner or the proprietor, respectively; or
  - c. For a municipality, State, Federal, or other public agency these forms shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
    - (i) the chief executive officer of the agency, or
    - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
2. The SWPPP and other information requested by the Department shall be signed by a person described in Part VII.H.1. of this permit or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a. The authorization is made in writing by a person described in Part VII.H.1. of this permit;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field,

superintendent, position of *equivalent* responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position) and,

- c. The written authorization shall include the name, title and signature of the authorized representative and be attached to the SWPPP.
3. All inspection reports shall be signed by the *qualified inspector* that performs the inspection.
4. The MS4 SWPPP Acceptance form shall be signed by the principal executive officer or ranking elected official from the *regulated, traditional land use control MS4*, or by a duly authorized representative of that person.

It shall constitute a permit violation if an incorrect and/or improper signatory authorizes any required forms, SWPPP and/or inspection reports.

## **I. Property Rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. *Owners or operators* must obtain any applicable conveyances, easements, licenses and/or access to real property prior to *commencing construction activity*.

## **. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

## **K. Requirement to Obtain Coverage Under an Alternative Permit**

1. The Department may require any owner or operator authorized by this permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit. When the Department requires any discharger authorized by a general permit to apply for an individual SPDES permit, it shall notify the discharger in writing that a permit application is required. This notice shall

include a brief statement of the reasons for this decision, an application form, a statement setting a time frame for the owner or operator to file the application for an individual SPDES permit, and a deadline, not sooner than 180 days from owner or operator receipt of the notification letter, whereby the authorization to discharge under this general permit shall be terminated. Applications must be submitted to the appropriate Permit Administrator at the Regional Office. The Department may grant additional time upon demonstration, to the satisfaction of the Department, that additional time to apply for an alternative authorization is necessary or where the Department has not provided a permit determination in accordance with Part 621 of this Title.

2. When an individual SPDES permit is issued to a discharger authorized to *discharge* under a general SPDES permit for the same *discharge(s)*, the general permit authorization for outfalls authorized under the individual SPDES permit is automatically terminated on the effective date of the individual permit unless termination is earlier in accordance with 6 NYCRR Part 750.

#### **L. Proper Operation and Maintenance**

The *owner or operator* shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the *owner or operator* to achieve compliance with the conditions of this permit and with the requirements of the SWPPP.

#### **M. Inspection and Entry**

The *owner or operator* shall allow an authorized representative of the Department, EPA, applicable county health department, or, in the case of a *construction site* which *discharges* through an *MS4*, an authorized representative of the *MS4* receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the owner's or operator's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required by this permit.
4. Sample or monitor at reasonable times, for purposes of assuring permit compliance or as otherwise authorized by the Act or ECL, any substances or parameters at any location.

#### **N. Permit Actions**

This permit may, at any time, be modified, suspended, revoked, or renewed by the Department in accordance with 6 NYCRR Part 621. The filing of a request by the *owner or operator* for a permit modification, revocation and reissuance, termination, a notification of planned changes or anticipated noncompliance does not limit, diminish and/or stay compliance with any terms of this permit.

#### **O. Definitions**

Definitions of key terms are included in Appendix A of this permit.

#### **P. Re-Opener Clause**

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with construction activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part VII.K. of this permit or the permit may be modified to include different limitations and/or requirements.
2. Any Department initiated permit modification, suspension or revocation will be conducted in accordance with 6 NYCRR Part 621, 6 NYCRR 750-1.18, and 6 NYCRR 750-1.20.

#### **Q. Penalties for Falsification of Forms and Reports**

In accordance with 6NYCRR Part 750-2.4 and 750-2.5, any person who knowingly makes any false material statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished in accordance with ECL §71-1933 and or Articles 175 and 210 of the New York State Penal Law.

## **R. Other Permits**

Nothing in this permit relieves the *owner or operator* from a requirement to obtain any other permits required by law.

## **APPENDIX A – Acronyms and Definitions**

### **Acronyms**

APO – Agency Preservation Officer  
BMP – Best Management Practice  
CPESC – Certified Professional in Erosion and Sediment Control  
Cpv – Channel Protection Volume  
CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)  
DOW – Division of Water  
EAF – Environmental Assessment Form  
ECL - Environmental Conservation Law  
EPA – U. S. Environmental Protection Agency  
HSG – Hydrologic Soil Group  
MS4 – Municipal Separate Storm Sewer System  
NOI – Notice of Intent  
NOT – Notice of Termination  
NPDES – National Pollutant Discharge Elimination System  
OPRHP – Office of Parks, Recreation and Historic Places  
Qf – Extreme Flood  
Qp – Overbank Flood  
RRv – Runoff Reduction Volume  
RWE – Regional Water Engineer  
SEQR – State Environmental Quality Review  
SEQRA - State Environmental Quality Review Act  
SHPA – State Historic Preservation Act  
SPDES – State Pollutant Discharge Elimination System  
SWPPP – Stormwater Pollution Prevention Plan  
TMDL – Total Maximum Daily Load  
UPA – Uniform Procedures Act  
USDA – United States Department of Agriculture  
WQv – Water Quality Volume



## Definitions

All definitions in this section are solely for the purposes of this permit.

**Agricultural Building** – a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products; excluding any structure designed, constructed or used, in whole or in part, for human habitation, as a place of employment where agricultural products are processed, treated or packaged, or as a place used by the public.

**Agricultural Property** – means the land for construction of a barn, *agricultural building*, silo, stockyard, pen or other structural practices identified in Table II in the “Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State” prepared by the Department in cooperation with agencies of New York Nonpoint Source Coordinating Committee (dated June 2007).

**Alter Hydrology from Pre to Post-Development Conditions** - means the post-development peak flow rate(s) has increased by more than 5% of the pre-developed condition for the design storm of interest (e.g. 10 yr and 100 yr).

**Combined Sewer** - means a sewer that is designed to collect and convey both “sewage” and “stormwater”.

**Commence (Commencement of) Construction Activities** - means the initial disturbance of soils associated with clearing, grading or excavation activities; or other construction related activities that disturb or expose soils such as demolition, stockpiling of fill material, and the initial installation of erosion and sediment control practices required in the SWPPP. See definition for “*Construction Activity(ies)*” also.

**Construction Activity(ies)** - means any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal and/or brush root removal. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

**Construction Site** – means the land area where *construction activity(ies)* will occur. See definition for “*Commence (Commencement of) Construction Activities*” and “*Larger Common Plan of Development or Sale*” also.

**Dewatering** – means the act of draining rainwater and/or groundwater from building foundations, vaults or excavations/trenches.

**Direct Discharge (to a specific surface waterbody)** - means that runoff flows from a *construction site* by overland flow and the first point of discharge is the specific surface waterbody, or runoff flows from a *construction site* to a separate storm sewer system

and the first point of discharge from the separate storm sewer system is the specific surface waterbody.

**Discharge(s)** - means any addition of any pollutant to waters of the State through an outlet or *point source*.

**Embankment** –means an earthen or rock slope that supports a road/highway.

**Endangered or Threatened Species** – see 6 NYCRR Part 182 of the Department’s rules and regulations for definition of terms and requirements.

**Environmental Conservation Law (ECL)** - means chapter 43-B of the Consolidated Laws of the State of New York, entitled the Environmental Conservation Law.

**Equivalent (Equivalence)** – means that the practice or measure meets all the performance, longevity, maintenance, and safety objectives of the technical standard and will provide an equal or greater degree of water quality protection.

**Final Stabilization** - means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

**General SPDES permit** - means a SPDES permit issued pursuant to 6 NYCRR Part 750-1.21 and Section 70-0117 of the ECL authorizing a category of discharges.

**Groundwater(s)** - means waters in the saturated zone. The saturated zone is a subsurface zone in which all the interstices are filled with water under pressure greater than that of the atmosphere. Although the zone may contain gas-filled interstices or interstices filled with fluids other than water, it is still considered saturated.

**Historic Property** – means any building, structure, site, object or district that is listed on the State or National Registers of Historic Places or is determined to be eligible for listing on the State or National Registers of Historic Places.

**Impervious Area (Cover)** - means all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways and sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds.

**Infeasible** – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

**Larger Common Plan of Development or Sale** - means a contiguous area where multiple separate and distinct *construction activities* are occurring, or will occur, under one plan. The term “plan” in “larger common plan of development or sale” is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) environmental assessment form or other documents, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that *construction activities* may occur on a specific plot.

For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed.

**Minimize** – means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

**Municipal Separate Storm Sewer (MS4)** - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the State;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a *combined sewer*; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

**National Pollutant Discharge Elimination System (NPDES)** - means the national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

**Natural Buffer** – means an undisturbed area with natural cover running along a surface water (e.g. wetland, stream, river, lake, etc.).

**New Development** – means any land disturbance that does not meet the definition of Redevelopment Activity included in this appendix.

**New York State Erosion and Sediment Control Certificate Program** – a certificate program that establishes and maintains a process to identify and recognize individuals who are capable of developing, designing, inspecting and maintaining erosion and sediment control plans on projects that disturb soils in New York State. The certificate program is administered by the New York State Conservation District Employees Association.

**NOI Acknowledgment Letter** - means the letter that the Department sends to an owner or operator to acknowledge the Department's receipt and acceptance of a complete Notice of Intent. This letter documents the owner's or operator's authorization to discharge in accordance with the general permit for stormwater discharges from *construction activity*.

**Nonpoint Source** - means any source of water pollution or pollutants which is not a discrete conveyance or *point source* permitted pursuant to Title 7 or 8 of Article 17 of the Environmental Conservation Law (see ECL Section 17-1403).

**Overbank** –means flow events that exceed the capacity of the stream channel and spill out into the adjacent floodplain.

**Owner or Operator** - means the person, persons or legal entity which owns or leases the property on which the *construction activity* is occurring; an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications; and/or an entity that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

**Performance Criteria** – means the design criteria listed under the “Required Elements” sections in Chapters 5, 6 and 10 of the technical standard, New York State Stormwater Management Design Manual, dated January 2015. It does not include the Sizing Criteria (i.e. WQv, RRv, Cpv, Qp and Qf ) in Part I.C.2. of the permit.

**Point Source** - means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, or landfill leachate collection system from which *pollutants* are or may be discharged.

**Pollutant** - means dredged spoil, filter backwash, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards or guidance values adopted as provided in 6 NYCRR Parts 700 et seq .

**Qualified Inspector** - means a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder or other Department endorsed individual(s).

It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect has received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the individual working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect shall receive four (4) hours of training every three (3) years.

It can also mean a person that meets the *Qualified Professional* qualifications in addition to the *Qualified Inspector* qualifications.

Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed Professional Engineer.

**Qualified Professional** - means a person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed Professional Engineer, Registered Landscape Architect or other Department endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics. All components of the SWPPP that involve the practice of engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

**Redevelopment Activity(ies)** – means the disturbance and reconstruction of existing impervious area, including impervious areas that were removed from a project site within five (5) years of preliminary project plan submission to the local government (i.e. site plan, subdivision, etc.).

**Regulated, Traditional Land Use Control MS4** - means a city, town or village with land use control authority that is authorized to discharge under New York State DEC's

SPDES General Permit For Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s) or the City of New York's Individual SPDES Permit for their Municipal Separate Storm Sewer Systems (NY-0287890).

**Routine Maintenance Activity** - means *construction activity* that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including, but not limited to:

- Re-grading of gravel roads or parking lots,
- Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch,
- Cleaning and shaping of existing roadside ditches that does not maintain the approximate original grade, hydraulic capacity and purpose of the ditch if the changes to the line and grade, hydraulic capacity or purpose of the ditch are installed to improve water quality and quantity controls (e.g. installing grass lined ditch),
- Placement of aggregate shoulder backing that stabilizes the transition between the road shoulder and the ditch or *embankment*,
- Full depth milling and filling of existing asphalt pavements, replacement of concrete pavement slabs, and similar work that does not expose soil or disturb the bottom six (6) inches of subbase material,
- Long-term use of equipment storage areas at or near highway maintenance facilities,
- Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or *embankment*,
- Existing use of Canal Corp owned upland disposal sites for the canal, and
- Replacement of curbs, gutters, sidewalks and guide rail posts.

**Site limitations** – means site conditions that prevent the use of an infiltration technique and or infiltration of the total WQv. Typical site limitations include: seasonal high groundwater, shallow depth to bedrock, and soils with an infiltration rate less than 0.5 inches/hour. The existence of site limitations shall be confirmed and documented using actual field testing (i.e. test pits, soil borings, and infiltration test) or using information from the most current United States Department of Agriculture (USDA) Soil Survey for the County where the project is located.

**Sizing Criteria** – means the criteria included in Part I.C.2 of the permit that are used to size post-construction stormwater management control practices. The criteria include; Water Quality Volume (WQv), Runoff Reduction Volume (RRv), Channel Protection Volume (Cpv), *Overbank Flood* (Qp), and *Extreme Flood* (Qf).

**State Pollutant Discharge Elimination System (SPDES)** - means the system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.



**Steep Slope** – means land area designated on the current United States Department of Agriculture (“USDA”) Soil Survey as Soil Slope Phase “D”, (provided the map unit name is inclusive of slopes greater than 25°), or Soil Slope Phase E or F, (regardless of the map unit name), or a combination of the three designations.

**Streambank** – as used in this permit, means the terrain alongside the bed of a creek or stream. The bank consists of the sides of the channel, between which the flow is confined.

**Stormwater Pollution Prevention Plan (SWPPP)** – means a project specific report, including construction drawings, that among other things: describes the construction activity(ies), identifies the potential sources of pollution at the *construction site*; describes and shows the stormwater controls that will be used to control the pollutants (i.e. erosion and sediment controls; for many projects, includes post-construction stormwater management controls); and identifies procedures the *owner or operator* will implement to comply with the terms and conditions of the permit. See Part III of the permit for a complete description of the information that must be included in the SWPPP.

**Surface Waters of the State** - shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface waters), which are wholly or partially within or bordering the state or within its jurisdiction. Waters of the state are further defined in 6 NYCRR Parts 800 to 941.

**Temporarily Ceased** – means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

**Temporary Stabilization** - means that exposed soil has been covered with material(s) as set forth in the technical standard, New York Standards and Specifications for Erosion and Sediment Control, to prevent the exposed soil from eroding. The materials can include, but are not limited to, mulch, seed and mulch, and erosion control mats (e.g. jute twisted yarn, excelsior wood fiber mats).

**Total Maximum Daily Loads (TMDLs)** - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and *nonpoint sources*. It is a calculation of the maximum amount of a pollutant that a waterbody can receive on a daily basis and still meet *water quality standards*, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for *point source* discharges, load allocations (LAs) for *nonpoint sources*, and a margin of safety (MOS).

**Trained Contractor** - means an employee from the contracting (construction) company, identified in Part III.A.6., that has received four (4) hours of Department endorsed

training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity. After receiving the initial training, the *trained contractor* shall receive four (4) hours of training every three (3) years.

It can also mean an employee from the contracting (construction) company, identified in Part III.A.6., that meets the *qualified inspector* qualifications (e.g. licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, New York State Erosion and Sediment Control Certificate Program holder, or someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided they have received four (4) hours of Department endorsed training in proper erosion and sediment control principles from a Soil and Water Conservation District, or other Department endorsed entity).

The *trained contractor* is responsible for the day to day implementation of the SWPPP.

**Uniform Procedures Act (UPA) Permit** - means a permit required under 6 NYCRR Part 621 of the Environmental Conservation Law (ECL), Article 70.

**Water Quality Standard** - means such measures of purity or quality for any waters in relation to their reasonable and necessary use as promulgated in 6 NYCRR Part 700 et seq.

## APPENDIX B – Required SWPPP Components by Project Type

**Table 1**  
**Construction Activities that Require the Preparation of a SWPPP That Only Includes Erosion and Sediment Controls**

<p><b>The following construction activities that involve soil disturbances of one (1) or more acres of land, but less than five (5) acres:</b></p> <ul style="list-style-type: none"><li>• Single family home <u>not</u> located in one of the watersheds listed in Appendix C or <u>not directly discharging</u> to one of the 303(d) segments listed in Appendix E</li><li>• Single family residential subdivisions with 25 or less impervious cover at total site build-out and <u>not</u> located in one of the watersheds listed in Appendix C and <u>not</u> directly discharging to one of the 303(d) segments listed in Appendix E</li><li>• Construction of a barn or other <i>agricultural building</i>, silo, stock yard or pen.</li></ul>
<p><b>The following construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land:</b></p> <p>All construction activities located in the watersheds identified in Appendix D that involve soil disturbances between five thousand (5,000) square feet and one (1) acre of land.</p>
<p><b>The following construction activities that involve soil disturbances of one (1) or more acres of land:</b></p> <ul style="list-style-type: none"><li>• Installation of underground, linear utilities; such as gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains</li><li>• Environmental enhancement projects, such as wetland mitigation projects, stormwater retrofits and stream restoration projects</li><li>• Pond construction</li><li>• Linear bike paths running through areas with vegetative cover, including bike paths surfaced with an impervious cover</li><li>• Cross-country ski trails and walking/hiking trails</li><li>• Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are not part of residential, commercial or institutional development;</li><li>• Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that include incidental shoulder or curb work along an existing highway to support construction of the sidewalk, bike path or walking path.</li><li>• Slope stabilization projects</li><li>• Slope flattening that changes the grade of the site, but does not significantly change the runoff characteristics</li></ul>

**Table 1 (Continued) CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP  
THAT ONLY INCLUDES EROSION AND SEDIMENT CONTROLS**

**The following construction activities that involve soil disturbances of one (1) or more acres of land:**

- Spoil areas that will be covered with vegetation
- Vegetated open space projects (i.e. recreational parks, lawns, meadows, fields, downhill ski trails) excluding projects that *alter hydrology from pre to post development* conditions,
- Athletic fields (natural grass) that do not include the construction or reconstruction of *impervious area* and do not *alter hydrology from pre to post development* conditions
- Demolition project where vegetation will be established, and no redevelopment is planned
- Overhead electric transmission line project that does not include the construction of permanent access roads or parking areas surfaced with *impervious cover*
- Structural practices as identified in Table II in the “Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State”, excluding projects that involve soil disturbances of greater than five acres and construction activities that include the construction or reconstruction of impervious area
- Temporary access roads, median crossovers, detour roads, lanes, or other temporary impervious areas that will be restored to pre-construction conditions once the construction activity is complete

**Table 2**  
**CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES**  
**POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES**

**The following construction activities that involve soil disturbances of one (1) or more acres of land:**

- Single family home located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family home that disturbs five (5) or more acres of land
- Single family residential subdivisions located in one of the watersheds listed in Appendix C or *directly discharging* to one of the 303(d) segments listed in Appendix E
- Single family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% impervious cover at total site build-out
- Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land
- Multi-family residential developments; includes duplexes, townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks
- Airports
- Amusement parks
- Breweries, cideries, and wineries, including establishments constructed on agricultural land
- Campgrounds
- Cemeteries that include the construction or reconstruction of impervious area (≥ 5% of disturbed area) or *alter the hydrology from pre to post development* conditions
- Commercial developments
- Churches and other places of worship
- Construction of a barn or other *agricultural building* (e.g. silo) and structural practices as identified in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of *impervious area*, excluding projects that involve soil disturbances of less than five acres.
- Golf courses
- Institutional development; includes hospitals, prisons, schools and colleges
- Industrial facilities; includes industrial parks
- Landfills
- Municipal facilities; includes highway garages, transfer stations, office buildings, POTW's, water treatment plants, and water storage tanks
- Office complexes
- Playgrounds that include the construction or reconstruction of impervious area
- Sports complexes
- Racetracks; includes racetracks with earthen (dirt) surface
- Road construction or reconstruction, including roads constructed as part of the construction activities listed in Table 1

Table 2 (Continued)

**CONSTRUCTION ACTIVITIES THAT REQUIRE THE PREPARATION OF A SWPPP THAT INCLUDES  
POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES**

**The following construction activities that involve soil disturbances of one (1) or more acres of land:**

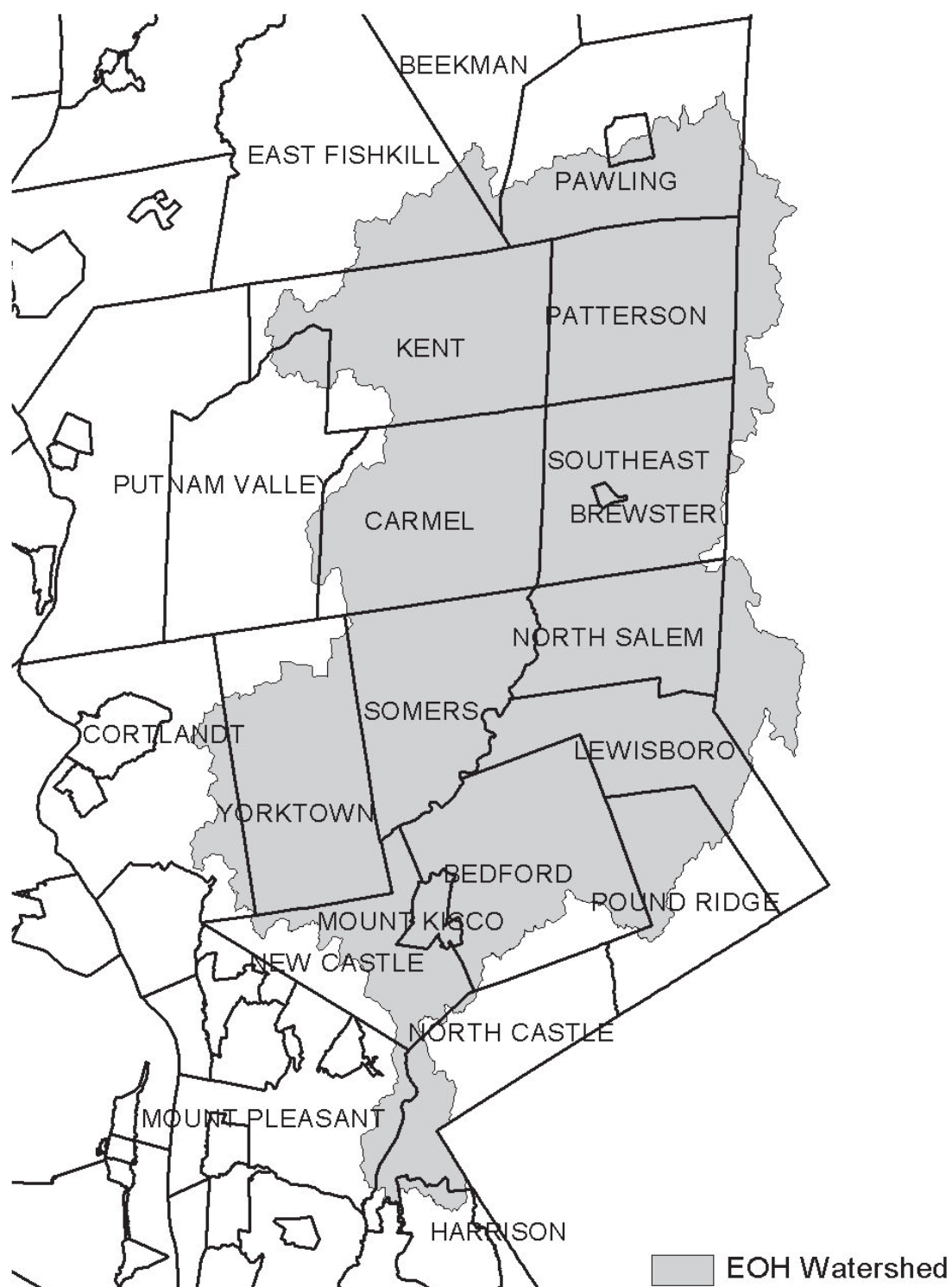
- Parking lot construction or reconstruction, including parking lots constructed as part of the construction activities listed in Table 1
- Athletic fields (natural grass) that include the construction or reconstruction of impervious area ( 5 of disturbed area) or *alter the hydrology from pre to post development* conditions
- Athletic fields with artificial turf
- Permanent access roads, parking areas, substations, compressor stations and well drilling pads, surfaced with *impervious cover*, and constructed as part of an over-head electric transmission line project, wind-power project, cell tower project, oil or gas well drilling project, sewer or water main project or other linear utility project
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a residential, commercial or institutional development
- Sidewalk, bike path or walking path projects, surfaced with an impervious cover, that are part of a highway construction or reconstruction project
- All other construction activities that include the construction or reconstruction of *impervious area* or *alter the hydrology from pre to post development* conditions, and are not listed in Table 1



## APPENDIX C – Watersheds Requiring Enhanced Phosphorus Removal

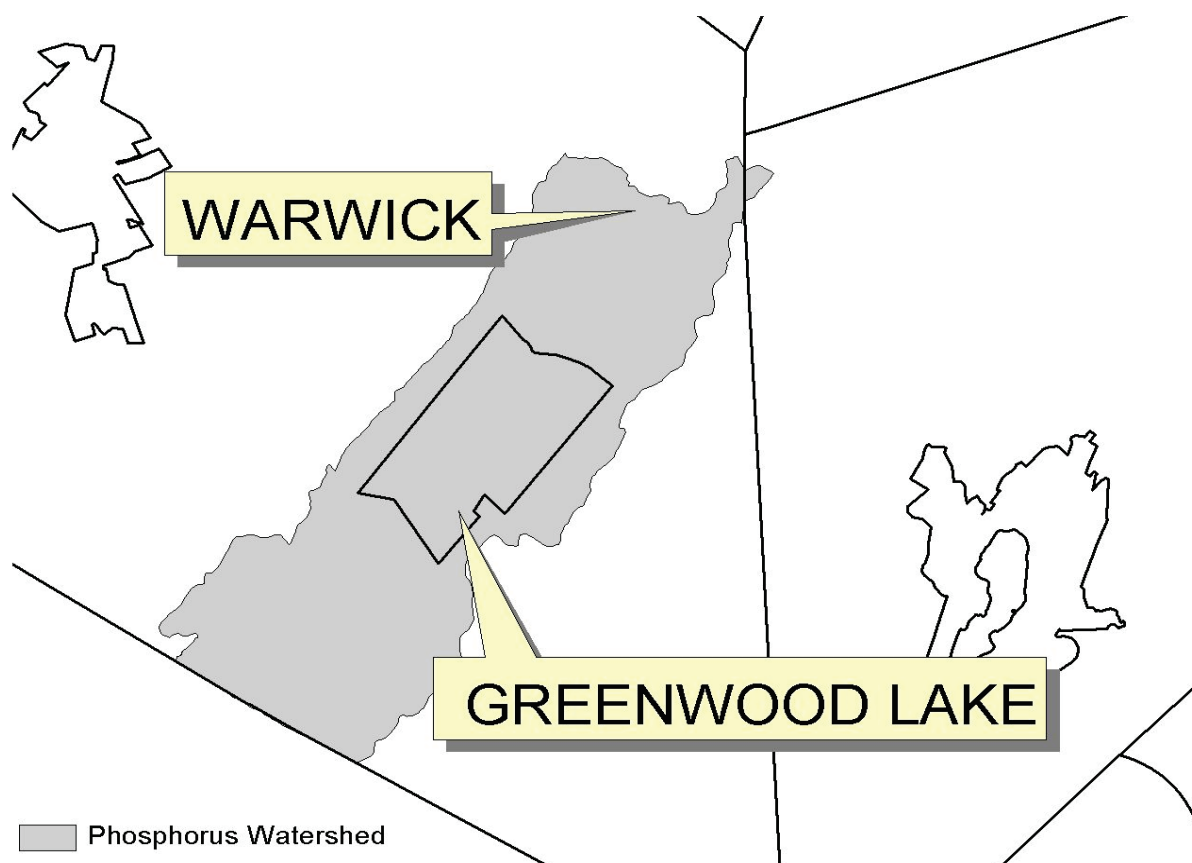
**Watersheds where *owners or operators* of construction activities identified in Table 2 of Appendix B must prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the technical standard, New York State Stormwater Management Design Manual (“Design Manual”).**

- Entire New York City Watershed located east of the Hudson River - Figure 1
- Onondaga Lake Watershed - Figure 2
- Greenwood Lake Watershed -Figure 3
- Oscawana Lake Watershed – Figure 4
- Kinderhook Lake Watershed – Figure 5

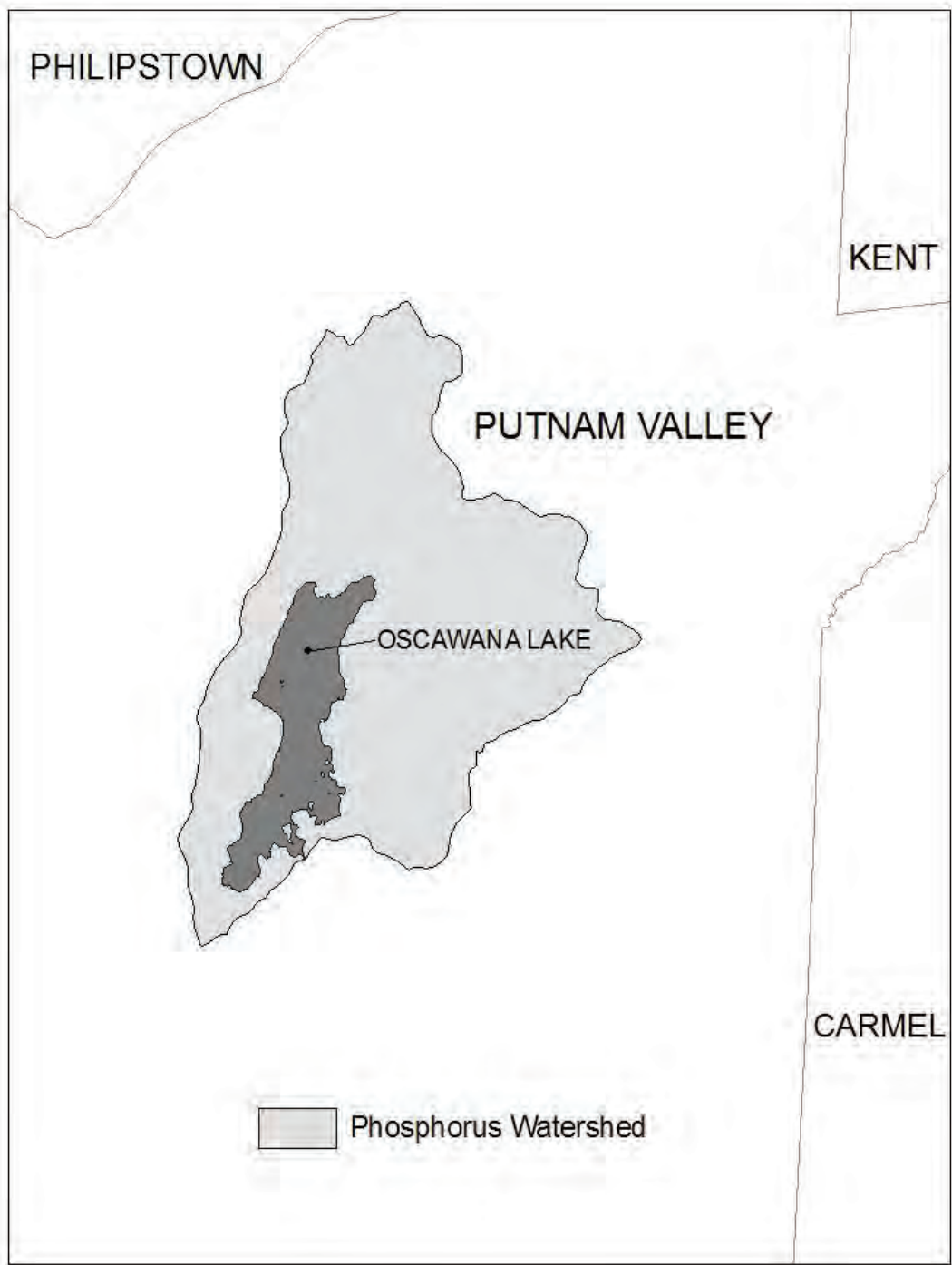
**Figure 1 - New York City Watershed East of the Hudson**

**Figure 2 - Onondaga Lake Watershed**

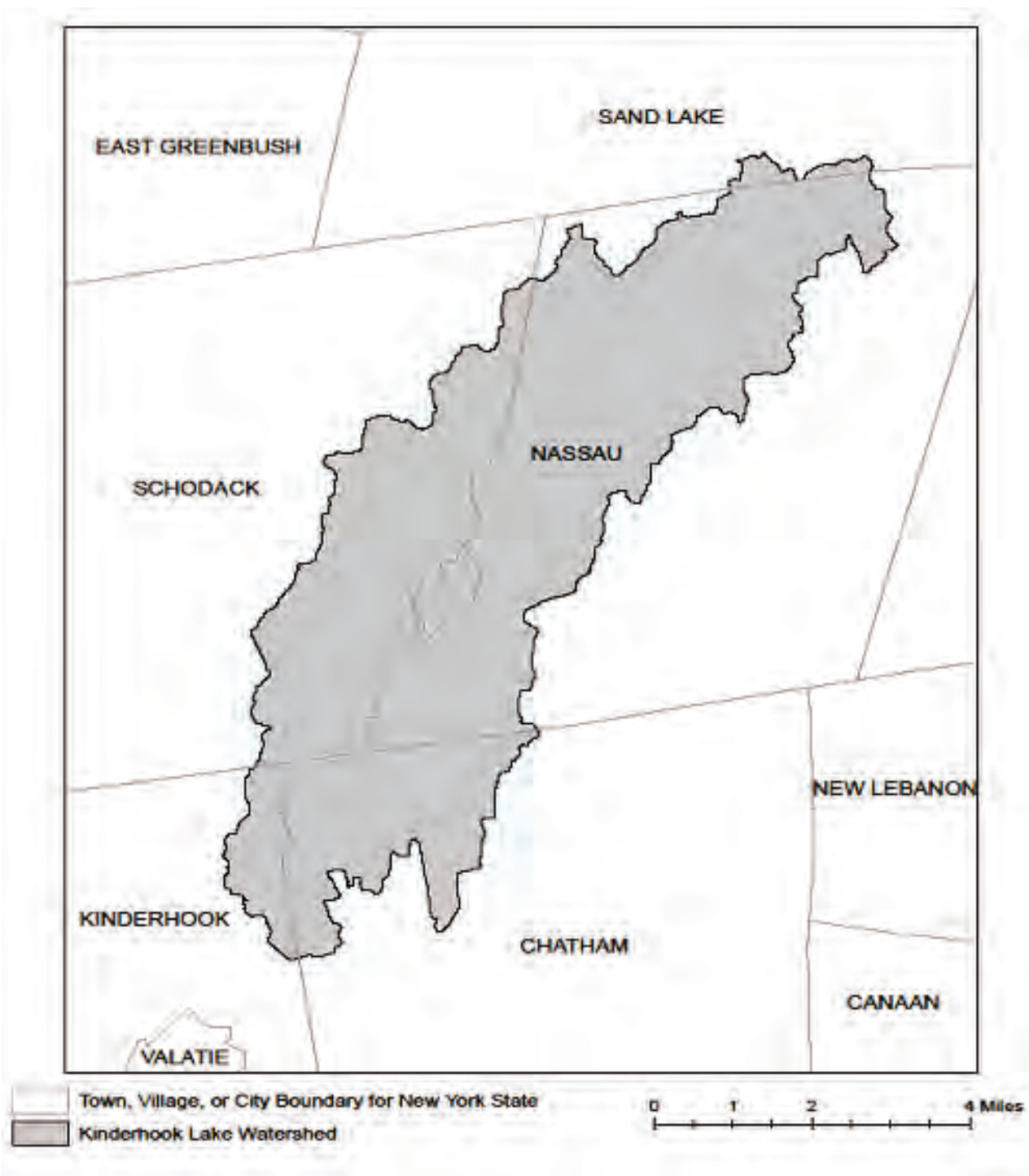
**Figure 3 - Greenwood Lake Watershed**



**Figure 4 - Oscawana Lake Watershed**



**Figure 5 - Kinderhook Lake Watershed**





## **APPENDIX D – Watersheds with Lower Disturbance Threshold**

**Watersheds where *owners or operators* of construction activities that involve soil disturbances between five thousand (5000) square feet and one (1) acre of land must obtain coverage under this permit.**

Entire New York City Watershed that is located east of the Hudson River - See Figure 1 in Appendix C
--

## APPENDIX E – 303(d) Segments Impaired by Construction Related Pollutant(s)

List of 303(d) segments impaired by pollutants related to *construction activity* (e.g. silt, sediment or nutrients). The list was developed using "The Final New York State 2016 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy" dated November 2016. *Owners or operators* of single family home and single family residential subdivisions with 25 or less total impervious cover at total site build-out that involve soil disturbances of one or more acres of land, but less than 5 acres, and *directly discharge* to one of the listed segments below shall prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the New York State Stormwater Management Design Manual ("Design Manual"), dated January 2015.

COUNTY	WATERBODY	POLLUTANT
Albany	Ann Lee (Shakers) Pond, Stump Pond	Nutrients
Albany	Basic Creek Reservoir	Nutrients
Allegany	Amity Lake, Saunders Pond	Nutrients
Bronx	Long Island Sound, Bronx	Nutrients
Bronx	Van Cortlandt Lake	Nutrients
Broome	Fly Pond, Deer Lake, Sky Lake	Nutrients
Broome	Minor Tribs to Lower Susquehanna (north)	Nutrients
Broome	Whitney Point Lake/Reservoir	Nutrients
Cattaraugus	Allegheny River/Reservoir	Nutrients
Cattaraugus	Beaver (Alma) Lake	Nutrients
Cattaraugus	Case Lake	Nutrients
Cattaraugus	Linlyco/Club Pond	Nutrients
Cayuga	Duck Lake	Nutrients
Cayuga	Little Sodus Bay	Nutrients
Chautauqua	Bear Lake	Nutrients
Chautauqua	Chadakoin River and tribs	Nutrients
Chautauqua	Chautauqua Lake, North	Nutrients
Chautauqua	Chautauqua Lake, South	Nutrients
Chautauqua	Findley Lake	Nutrients
Chautauqua	Hulburt/Clymer Pond	Nutrients
Clinton	Great Chazy River, Lower, Main Stem	Silt/Sediment
Clinton	Lake Champlain, Main Lake, Middle	Nutrients
Clinton	Lake Champlain, Main Lake, North	Nutrients
Columbia	Kinderhook Lake	Nutrients
Columbia	Robinson Pond	Nutrients
Cortland	Dean Pond	Nutrients

### 303(d) Segments Impaired by Construction Related Pollutant(s)

Dutchess	Fall Kill and tribs	Nutrients
Dutchess	Hillside Lake	Nutrients
Dutchess	Wappingers Lake	Nutrients
Dutchess	Wappingers Lake	Silt/Sediment
Erie	Beeman Creek and tribs	Nutrients
Erie	Ellicott Creek, Lower, and tribs	Silt/Sediment
Erie	Ellicott Creek, Lower, and tribs	Nutrients
Erie	Green Lake	Nutrients
Erie	Little Sister Creek, Lower, and tribs	Nutrients
Erie	Murder Creek, Lower, and tribs	Nutrients
Erie	Rush Creek and tribs	Nutrients
Erie	Scajaquada Creek, Lower, and tribs	Nutrients
Erie	Scajaquada Creek, Middle, and tribs	Nutrients
Erie	Scajaquada Creek, Upper, and tribs	Nutrients
Erie	South Branch Smoke Cr, Lower, and tribs	Silt/Sediment
Erie	South Branch Smoke Cr, Lower, and tribs	Nutrients
Essex	Lake Champlain, Main Lake, South	Nutrients
Essex	Lake Champlain, South Lake	Nutrients
Essex	Willsboro Bay	Nutrients
Genesee	Bigelow Creek and tribs	Nutrients
Genesee	Black Creek, Middle, and minor tribs	Nutrients
Genesee	Black Creek, Upper, and minor tribs	Nutrients
Genesee	Bowen Brook and tribs	Nutrients
Genesee	LeRoy Reservoir	Nutrients
Genesee	Oak Orchard Cr, Upper, and tribs	Nutrients
Genesee	Tonawanda Creek, Middle, Main Stem	Nutrients
Greene	Schoharie Reservoir	Silt/Sediment
Greene	Sleepy Hollow Lake	Silt/Sediment
Herkimer	Steele Creek tribs	Silt/Sediment
Herkimer	Steele Creek tribs	Nutrients
Jefferson	Moon Lake	Nutrients
Kings	Hendrix Creek	Nutrients
Kings	Prospect Park Lake	Nutrients
Lewis	Mill Creek/South Branch, and tribs	Nutrients
Livingston	Christie Creek and tribs	Nutrients
Livingston	Conesus Lake	Nutrients
Livingston	Mill Creek and minor tribs	Silt/Sediment
Monroe	Black Creek, Lower, and minor tribs	Nutrients
Monroe	Buck Pond	Nutrients
Monroe	Cranberry Pond	Nutrients

### 303(d) Segments Impaired by Construction Related Pollutant(s)

Monroe	Lake Ontario Shoreline, Western	Nutrients
Monroe	Long Pond	Nutrients
Monroe	Mill Creek and tribs	Nutrients
Monroe	Mill Creek/Blue Pond Outlet and tribs	Nutrients
Monroe	Minor Tribs to Irondequoit Bay	Nutrients
Monroe	Rochester Embayment - East	Nutrients
Monroe	Rochester Embayment - West	Nutrients
Monroe	Shipbuilders Creek and tribs	Nutrients
Monroe	Thomas Creek/White Brook and tribs	Nutrients
Nassau	Beaver Lake	Nutrients
Nassau	Camaans Pond	Nutrients
Nassau	East Meadow Brook, Upper, and tribs	Silt/Sediment
Nassau	East Rockaway Channel	Nutrients
Nassau	Grant Park Pond	Nutrients
Nassau	Hempstead Bay	Nutrients
Nassau	Hempstead Lake	Nutrients
Nassau	Hewlett Bay	Nutrients
Nassau	Hog Island Channel	Nutrients
Nassau	Long Island Sound, Nassau County Waters	Nutrients
Nassau	Massapequa Creek and tribs	Nutrients
Nassau	Milburn/Parsonage Creeks, Upp, and tribs	Nutrients
Nassau	Reynolds Channel, west	Nutrients
Nassau	Tidal Tribs to Hempstead Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Nutrients
Nassau	Tribs (fresh) to East Bay	Silt/Sediment
Nassau	Tribs to Smith/Halls Ponds	Nutrients
Nassau	Woodmere Channel	Nutrients
New York	Harlem Meer	Nutrients
New York	The Lake in Central Park	Nutrients
Niagara	Bergholtz Creek and tribs	Nutrients
Niagara	Hyde Park Lake	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Niagara	Lake Ontario Shoreline, Western	Nutrients
Oneida	Ballou, Nail Creeks and tribs	Nutrients
Onondaga	Harbor Brook, Lower, and tribs	Nutrients
Onondaga	Ley Creek and tribs	Nutrients
Onondaga	Minor Tribs to Onondaga Lake	Nutrients
Onondaga	Ninemile Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Lower, and tribs	Nutrients
Onondaga	Onondaga Creek, Middle, and tribs	Nutrients

### 303(d) Segments Impaired by Construction Related Pollutant(s)

Onondaga	Onondaga Lake, northern end	Nutrients
Onondaga	Onondaga Lake, southern end	Nutrients
Ontario	Great Brook and minor tribs	Silt/Sediment
Ontario	Great Brook and minor tribs	Nutrients
Ontario	Hemlock Lake Outlet and minor tribs	Nutrients
Ontario	Honeoye Lake	Nutrients
Orange	Greenwood Lake	Nutrients
Orange	Monhagen Brook and tribs	Nutrients
Orange	Orange Lake	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Orleans	Lake Ontario Shoreline, Western	Nutrients
Oswego	Lake Neatahwanta	Nutrients
Oswego	Pleasant Lake	Nutrients
Putnam	Bog Brook Reservoir	Nutrients
Putnam	Boyd Corners Reservoir	Nutrients
Putnam	Croton Falls Reservoir	Nutrients
Putnam	Diverting Reservoir	Nutrients
Putnam	East Branch Reservoir	Nutrients
Putnam	Lake Carmel	Nutrients
Putnam	Middle Branch Reservoir	Nutrients
Putnam	Oscawana Lake	Nutrients
Putnam	Palmer Lake	Nutrients
Putnam	West Branch Reservoir	Nutrients
Queens	Bergen Basin	Nutrients
Queens	Flushing Creek/Bay	Nutrients
Queens	Jamaica Bay, Eastern, and tribs (Queens)	Nutrients
Queens	Kissena Lake	Nutrients
Queens	Meadow Lake	Nutrients
Queens	Willow Lake	Nutrients
Rensselaer	Nassau Lake	Nutrients
Rensselaer	Snyders Lake	Nutrients
Richmond	Grasmere Lake/Bradys Pond	Nutrients
Rockland	Congers Lake, Swartout Lake	Nutrients
Rockland	Rockland Lake	Nutrients
Saratoga	Ballston Lake	Nutrients
Saratoga	Dwaas Kill and tribs	Silt/Sediment
Saratoga	Dwaas Kill and tribs	Nutrients
Saratoga	Lake Lonely	Nutrients
Saratoga	Round Lake	Nutrients
Saratoga	Tribes to Lake Lonely	Nutrients

### 303(d) Segments Impaired by Construction Related Pollutant(s)

Schenectady	Collins Lake	Nutrients
Schenectady	Duane Lake	Nutrients
Schenectady	Mariaville Lake	Nutrients
Schoharie	Engleville Pond	Nutrients
Schoharie	Summit Lake	Nutrients
Seneca	Reeder Creek and tribs	Nutrients
St.Lawrence	Black Lake Outlet/Black Lake	Nutrients
St.Lawrence	Fish Creek and minor tribs	Nutrients
Steuben	Smith Pond	Nutrients
Suffolk	Agawam Lake	Nutrients
Suffolk	Big/Little Fresh Ponds	Nutrients
Suffolk	Canaan Lake	Silt/Sediment
Suffolk	Canaan Lake	Nutrients
Suffolk	Flanders Bay, West/Lower Sawmill Creek	Nutrients
Suffolk	Fresh Pond	Nutrients
Suffolk	Great South Bay, East	Nutrients
Suffolk	Great South Bay, Middle	Nutrients
Suffolk	Great South Bay, West	Nutrients
Suffolk	Lake Ronkonkoma	Nutrients
Suffolk	Long Island Sound, Suffolk County, West	Nutrients
Suffolk	Mattituck (Marratooka) Pond	Nutrients
Suffolk	Meetinghouse/Terrys Creeks and tribs	Nutrients
Suffolk	Mill and Seven Ponds	Nutrients
Suffolk	Millers Pond	Nutrients
Suffolk	Moriches Bay, East	Nutrients
Suffolk	Moriches Bay, West	Nutrients
Suffolk	Peconic River, Lower, and tidal tribs	Nutrients
Suffolk	Quantuck Bay	Nutrients
Suffolk	Shinnecock Bay and Inlet	Nutrients
Suffolk	Tidal tribs to West Moriches Bay	Nutrients
Sullivan	Bodine, Montgomery Lakes	Nutrients
Sullivan	Davies Lake	Nutrients
Sullivan	Evens Lake	Nutrients
Sullivan	Pleasure Lake	Nutrients
Tompkins	Cayuga Lake, Southern End	Nutrients
Tompkins	Cayuga Lake, Southern End	Silt/Sediment
Tompkins	Owasco Inlet, Upper, and tribs	Nutrients
Ulster	Ashokan Reservoir	Silt/Sediment
Ulster	Esopus Creek, Upper, and minor tribs	Silt/Sediment
Warren	Hague Brook and tribs	Silt/Sediment



### 303(d) Segments Impaired by Construction Related Pollutant(s)

Warren	Huddle/Finkle Brooks and tribs	Silt/Sediment
Warren	Indian Brook and tribs	Silt/Sediment
Warren	Lake George	Silt/Sediment
Warren	Tribs to L.George, Village of L George	Silt/Sediment
Washington	Cossayuna Lake	Nutrients
Washington	Lake Champlain, South Bay	Nutrients
Washington	Tribs to L.George, East Shore	Silt/Sediment
Washington	Wood Cr/Champlain Canal and minor tribs	Nutrients
Wayne	Port Bay	Nutrients
Westchester	Amawalk Reservoir	Nutrients
Westchester	Blind Brook, Upper, and tribs	Silt/Sediment
Westchester	Cross River Reservoir	Nutrients
Westchester	Lake Katonah	Nutrients
Westchester	Lake Lincolndale	Nutrients
Westchester	Lake Meahagh	Nutrients
Westchester	Lake Mohegan	Nutrients
Westchester	Lake Shenorock	Nutrients
Westchester	Long Island Sound, Westchester (East)	Nutrients
Westchester	Mamaroneck River, Lower	Silt/Sediment
Westchester	Mamaroneck River, Upper, and minor tribs	Silt/Sediment
Westchester	Muscoot/Upper New Croton Reservoir	Nutrients
Westchester	New Croton Reservoir	Nutrients
Westchester	Peach Lake	Nutrients
Westchester	Reservoir No.1 (Lake Isle)	Nutrients
Westchester	Saw Mill River, Lower, and tribs	Nutrients
Westchester	Saw Mill River, Middle, and tribs	Nutrients
Westchester	Sheldrake River and tribs	Silt/Sediment
Westchester	Sheldrake River and tribs	Nutrients
Westchester	Silver Lake	Nutrients
Westchester	Teatown Lake	Nutrients
Westchester	Titicus Reservoir	Nutrients
Westchester	Truesdale Lake	Nutrients
Westchester	Wallace Pond	Nutrients
Wyoming	Java Lake	Nutrients
Wyoming	Silver Lake	Nutrients

## APPENDIX F – List of NYS DEC Regional Offices

<u>Region</u>	<u>COVERING THE FOLLOWING COUNTIES:</u>	<u>DIVISION OF ENVIRONMENTAL PERMITS (DEP) PERMIT ADMINISTRATORS</u>	<u>DIVISION OF WATER (DOW) WATER (SPDES) PROGRAM</u>
1	NASSAU AND SUFFOLK	50 CIRCLE ROAD STONY BROOK, NY 11790 TEL. (631) 444-0365	50 CIRCLE ROAD STONY BROOK, NY 11790-3409 TEL. (631) 444-0405
2	BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND	1 HUNTERS POINT PLA A, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4997	1 HUNTERS POINT PLA A, 47-40 21ST ST. LONG ISLAND CITY, NY 11101-5407 TEL. (718) 482-4933
3	DUTCHESS, ORANGE, PUTNAM, ROCKLAND, SULLIVAN, ULSTER AND WESTCHESTER	21 SOUTH PUTT CORNERS ROAD NEW PALT , NY 12561-1696 TEL. (845) 256-3059	100 HILLSIDE AVENUE, SUITE 1W WHITE PLAINS, NY 10603 TEL. (914) 428 - 2505
4	ALBANY, COLUMBIA, DELAWARE, GREENE, MONTGOMERY, OTSEGO, RENSSELAER, SCHENECTADY AND SCHOHARIE	1150 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2069	1130 NORTH WESTCOTT ROAD SCHENECTADY, NY 12306-2014 TEL. (518) 357-2045
5	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, SARATOGA, WARREN AND WASHINGTON	1115 STATE ROUTE 86, Po Box 296 RAY BROOK, NY 12977-0296 TEL. (518) 897-1234	232 GOLF COURSE ROAD WARRENSBURG, NY 12885-1172 TEL. (518) 623-1200
6	HERKIMER, EFFEERSON, LEWIS, ONEIDA AND ST. LAWRENCE	STATE OFFICE BUILDING 317 WASHINGTON STREET WATERTOWN, NY 13601-3787 TEL. (315) 785-2245	STATE OFFICE BUILDING 207 GENESEE STREET UTICA, NY 13501-2885 TEL. (315) 793-2554
7	BROOME, CAYUGA, CHENANGO, CORTLAND, MADISON, ONONDAGA, OSWEGO, TIOGA AND TOMPKINS	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7438	615 ERIE BLVD. WEST SYRACUSE, NY 13204-2400 TEL. (315) 426-7500
8	CHEMUNG, GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, SCHUYLER, SENECA, STEUBEN, WAYNE AND YATES	6274 EAST AVON-LIMA ROADAVON, NY 14414-9519 TEL. (585) 226-2466	6274 EAST AVON-LIMA RD. AVON, NY 14414-9519 TEL. (585) 226-2466
9	ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, NIAGARA AND WYOMING	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7165	270 MICHIGAN AVENUE BUFFALO, NY 14203-2999 TEL. (716) 851-7070

## Appendix E

### Forms



Department of  
Environmental  
Conservation

# **Owner/Operator Certification Form**

## **SPDES General Permit For Stormwater Discharges From Construction Activity (GP-0-20-001)**

**Project/Site Name:** Parker Road Subdivision

**eNOI Submission Number:** \_\_\_\_\_

**eNOI Submitted by:** ☐ Owner/Operator ☒ SWPPP Preparer ☐ Other

### **Certification Statement - Owner/Operator**

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

Owner/Operator First Name M.I. Last Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



Department of  
Environmental  
Conservation

# SWPPP Preparer Certification Form

*SPDES General Permit for Stormwater  
Discharges From Construction Activity  
(GP-0-20-001)*

## Project Site Information

### Project/Site Name

Parker Road Single Family Subdivision

## Owner/Operator Information

### Owner/Operator (Company Name/Private Owner/Municipality Name)

Parker Road Development, LLC

## Certification Statement – SWPPP Preparer

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-20-001. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Christopher

First name

MI

Wood

Last Name

Signature

1/25/2024

Date

**STORM WATER POLLUTION PREVENTION PLAN  
CONTRACTOR'S CERTIFICATION STATEMENT**

**Pleasant Woods Land Clearing and Grading  
and all subsequent activities covered under SPDES Permit**

**CONTRACTOR'S CERTIFICATION:**

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge storm water. I also understand that the operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) general permit for storm water discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards."

Note: The contractor shall have at least one NYSDEC trained individual onsite at all times when earthwork and other SWPPP associated work is being performed from each contractor(s) and subcontractor(s). Each contractor(s) and subcontractor(s) shall provide copies of these individuals' certifications to the Town of Hamburg.

Name: \_\_\_\_\_  
(Print)

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Date: \_\_\_\_\_

Scope of Services: \_\_\_\_\_

Trained Individual(s) Responsible for Implementation: \_\_\_\_\_

**This form must be signed by a responsible corporate officer or other party meeting the  
"Signatory Requirements" of the NYSDEC SPDES General Permit**



## Appendix F

### NYSDEC Notice of Termination (NOT)

**New York State Department of Environmental Conservation**

**Division of Water**

**625 Broadway, 4th Floor**

**Albany, New York 12233-3505**

**(NOTE: Submit completed form to address above)**

**NOTICE OF TERMINATION** for Storm Water Discharges Authorized  
under the SPDES General Permit for Construction Activity

**Please indicate your permit identification number:** NYR \_\_\_\_ \_

**I. Owner or Operator Information**

1. Owner/Operator Name:

2. Street Address:

3. City/State/ ip:

4. Contact Person:

4a. Telephone:

4b. Contact Person E-Mail:

**II. Project Site Information**

5. Project/Site Name:

6. Street Address:

7. City/ ip:

8. County:

**III. Reason for Termination**

9a. ☐ All disturbed areas have achieved final stabilization in accordance with the general permit and SWPPP. **Date final stabilization completed** (month/year): \_\_\_\_\_

9b. ☐ Permit coverage has been transferred to new owner/operator. Indicate new owner/operator's permit identification number: NYR \_\_\_\_ \_

(Note: Permit coverage can not be terminated by owner identified in I.1. above until new owner/operator obtains coverage under the general permit)

9c. ☐ Other (Explain on Page 2)

**IV. Final Site Information:**

10a. Did this construction activity require the development of a SWPPP that includes post-construction stormwater management practices ☐ yes ☐ no ( If no, go to question 10f.)

10b. Have all post-construction stormwater management practices included in the final SWPPP been constructed ☐ yes ☐ no (If no, explain on Page 2)

10c. Identify the entity responsible for long-term operation and maintenance of practice(s)

\_\_\_\_\_

**NOTICE OF TERMINATION for Storm Water Discharges Authorized under the  
SPDES General Permit for Construction Activity - continued**

10d. Has the entity responsible for long-term operation and maintenance been given a copy of the operation and maintenance plan required by the general permit      ☐ yes      ☐ no

10e. Indicate the method used to ensure long-term operation and maintenance of the post-construction stormwater management practice(s):

- ☐ Post-construction stormwater management practice(s) and any right-of-way(s) needed to maintain practice(s) have been deeded to the municipality.
- ☐ Executed maintenance agreement is in place with the municipality that will maintain the post-construction stormwater management practice(s).
- ☐ For post-construction stormwater management practices that are privately owned, a mechanism is in place that requires operation and maintenance of the practice(s) in accordance with the operation and maintenance plan, such as a deed covenant in the owner or operator's deed of record.
- ☐ For post-construction stormwater management practices that are owned by a public or private institution (e.g. school, university or hospital), government agency or authority, or public utility; policy and procedures are in place that ensures operation and maintenance of the practice(s) in accordance with the operation and maintenance plan.

10f. Provide the total area of impervious surface (i.e. roof, pavement, concrete, gravel, etc.) constructed within the disturbance area \_\_\_\_\_  
(acres)

11. Is this project subject to the requirements of a regulated, traditional land use control MS4      ☐ yes  
☐ no  
(If Yes, complete section VI - "MS4 Acceptance" statement)

**V. Additional Information/Explanation:**  
(Use this section to answer questions 9c. and 10b., if applicable)

**VI. MS4 Acceptance - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative** (Note: Not required when 9b. is checked -transfer of coverage)

I have determined that it is acceptable for the owner or operator of the construction project identified in question 5 to submit the Notice of Termination at this time.

Printed Name:

Title/Position:

Signature:

Date:

**NOTICE OF TERMINATION** for Storm Water Discharges Authorized under the  
SPDES General Permit for Construction Activity - continued

**VII. Qualified Inspector Certification - Final Stabilization:**

I hereby certify that all disturbed areas have achieved final stabilization as defined in the current version of the general permit, and that all temporary, structural erosion and sediment control measures have been removed. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

**VIII. Qualified Inspector Certification - Post-construction Stormwater Management Practice(s):**

I hereby certify that all post-construction stormwater management practices have been constructed in conformance with the SWPPP. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

**IX. Owner or Operator Certification**

I hereby certify that this document was prepared by me or under my direction or supervision. My determination, based upon my inquiry of the person(s) who managed the construction activity, or those persons directly responsible for gathering the information, is that the information provided in this document is true, accurate and complete. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Printed Name:

Title/Position:

Signature:

Date:

(NYS DEC Notice of Termination - January 2015)

## Appendix G

### Construction Documents

## Appendix H

### Soils Information




# Hydrologic Soil Group—Erie County, New York (PARKER ROAD SUBDIVISION)



Hydrologic Soil Group—Erie County, New York  
(PARKER ROAD SUBDIVISION)

## MAP LEGEND

### Area of Interest (AOI)









 Area of Interest (AOI)

### Soils




#### Soil Rating Polygons





 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Lines


 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Points





 A  
 A/D  
 B  
 B/D

 C  
 C/D  
 D  
 Not rated or not available

### Water Features

 Streams and Canals

### Transportation

 Rails  
 Interstate Highways  
 US Routes  
 Major Roads  
 Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Erie County, New York  
Survey Area Data: Version 23, Sep 5, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Cc	Canandaigua silt loam	C/D	0.2	0.7%
DbA	Darien silt loam, 0 to 3 percent slopes	C/D	3.6	11.4%
DbB	Darien silt loam, 3 to 8 percent slopes	C/D	2.4	7.5%
In	Ilion silt loam	C/D	8.3	26.1%
Nh	Niagara silt loam, till substratum	C/D	13.7	43.0%
Wd	Wayland soils complex, 0 to 3 percent slopes, frequently flooded	B/D	3.6	11.4%
<b>Totals for Area of Interest</b>			<b>32.0</b>	<b>100.0%</b>

## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher

## Appendix I

### SHPO Information

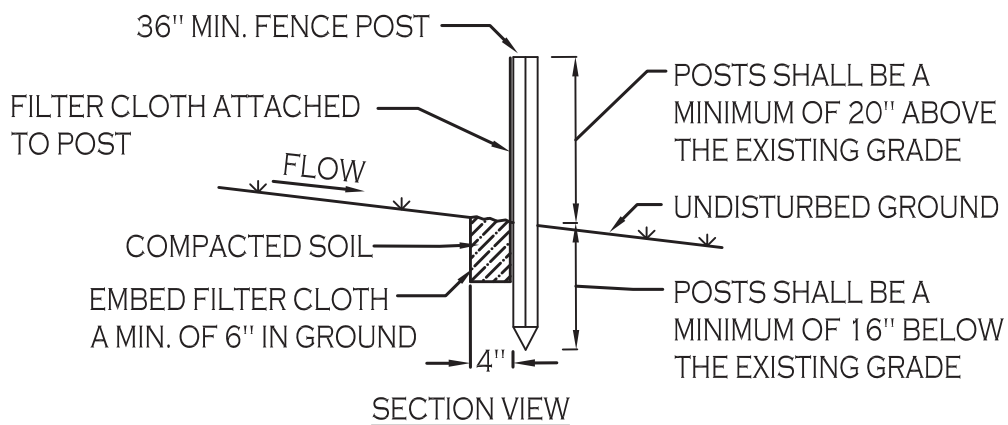
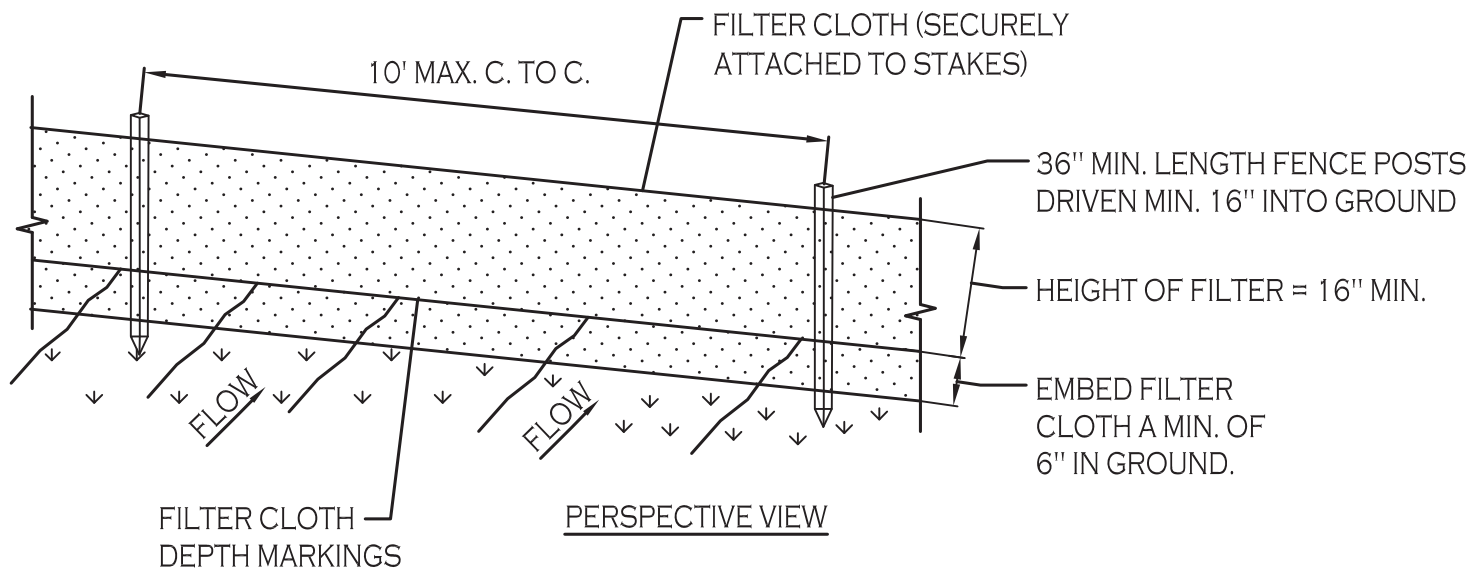






## Appendix J

### Standard Erosion Control Details

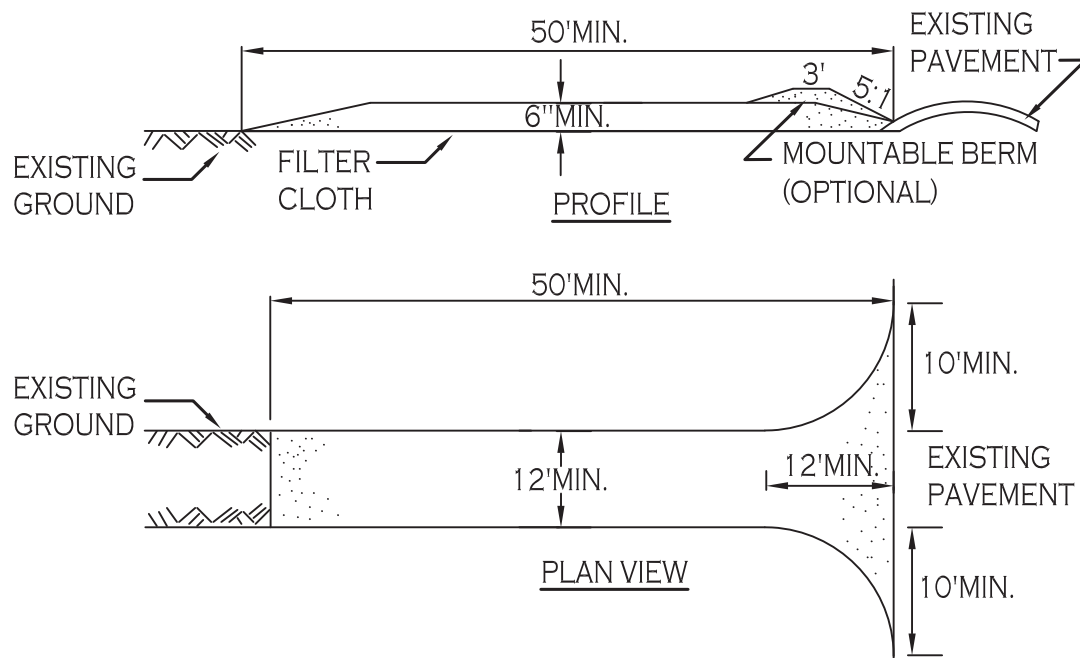


## CONSTRUCTION SPECIFICATIONS

1. WOVEN FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER-LAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFL 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
3. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

## SILT FENCE DETAIL

NOT TO SCALE

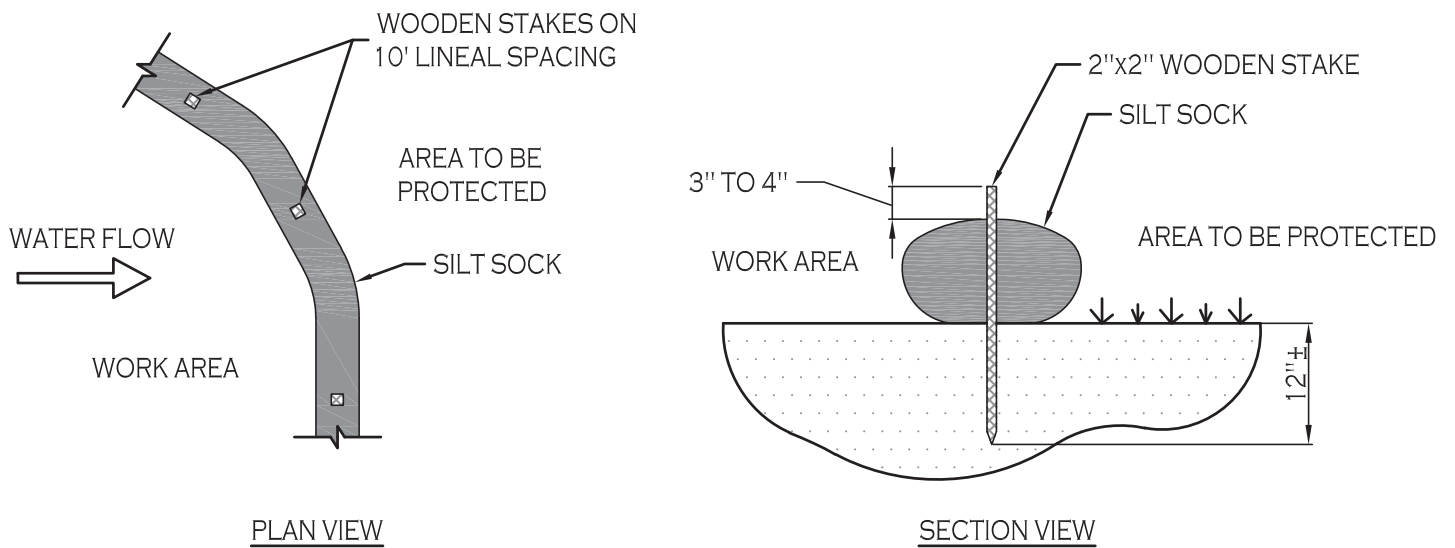


## CONSTRUCTION SPECIFICATIONS

1. STONE SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. THICKNESS - NOT LESS THAN SIX (6) INCHES.
4. WIDTH - TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.
5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY, ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACTED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON A AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

## STABILIZED CONSTRUCTION ENTRANCE DETAIL

NOT TO SCALE



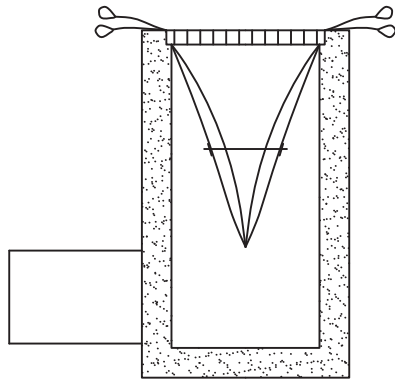
NOTES:

CONTRACTOR SHALL INSPECT AND MAINTAIN SILT SOCK AS NEEDED DURING THE DURATION OF CONSTRUCTION PROJECT.

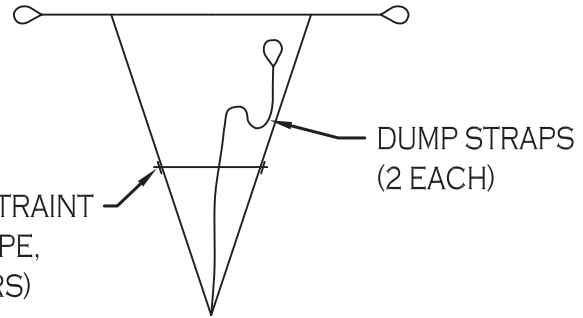
CONTRACTOR SHALL REMOVE SEDIMENT COLLECTED AT THE BASE OF THE SILT SOCK WHEN IT HAS REACHED  $\frac{1}{2}$  OF THE EXPOSED HEIGHT OF THE SILT SOCK. ALTERNATIVELY, RATHER THAN CREATE A SOIL DISTURBING ACTIVITY, THE ENGINEER MAY CALL FOR ADDITIONAL SILT SOCK TO BE ADDED AT AREAS OF HIGH SEDIMENTATION, PLACED IMMEDIATELY ON TOP OF THE EXISTING SEDIMENT LADEN SILT SOCK.

## SILT SOCK DETAIL

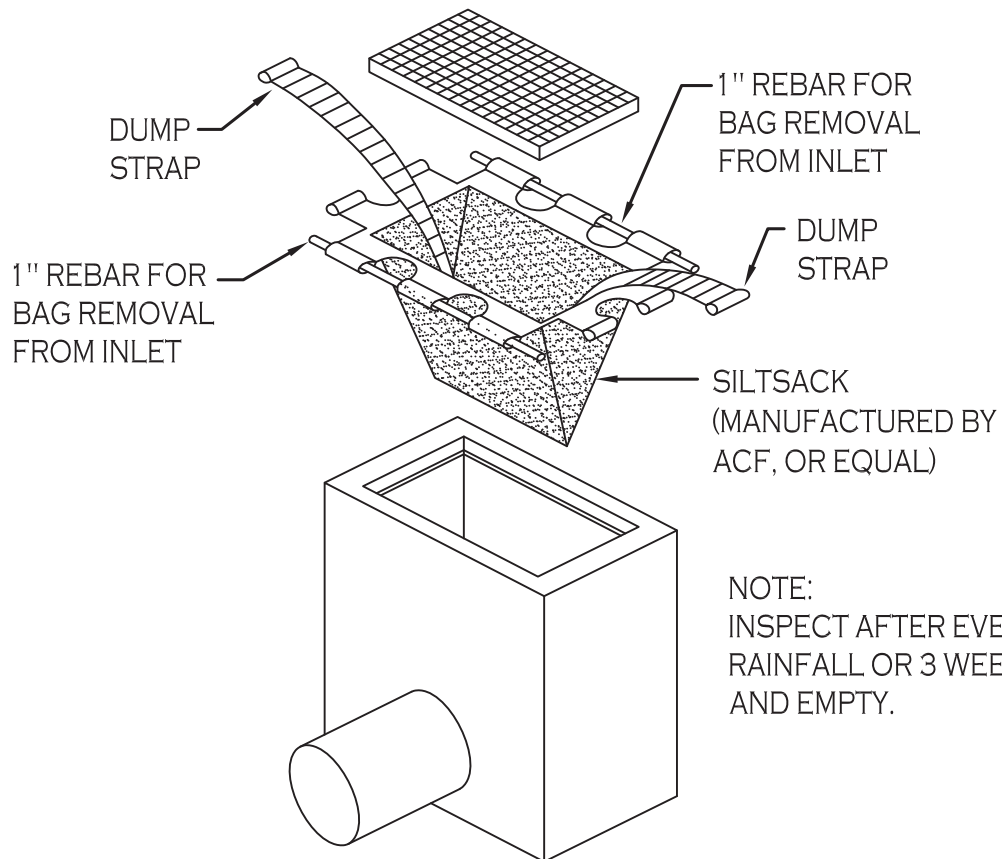
NOT TO SCALE



INSTALLATION DETAIL

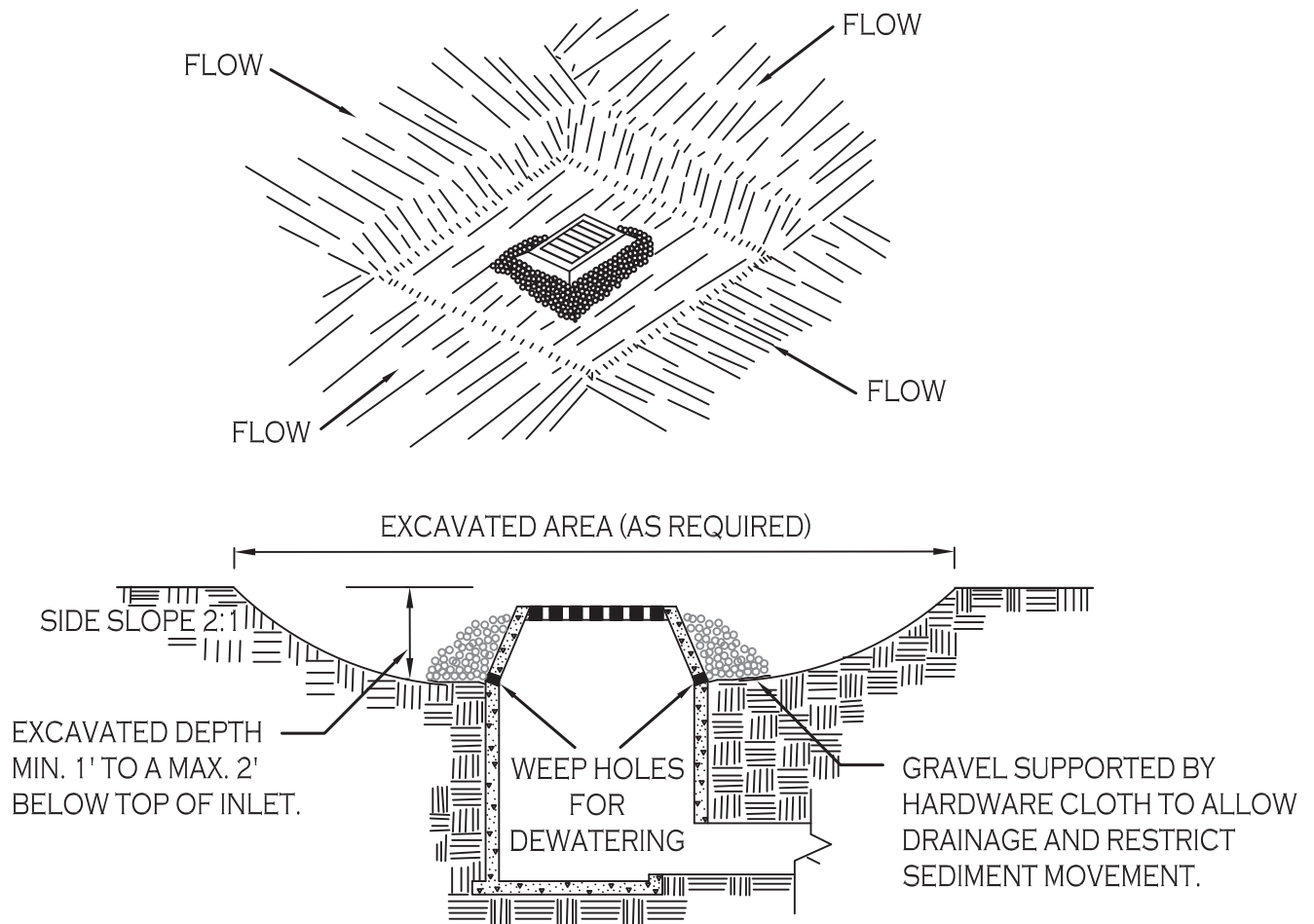


BAG DETAIL



## SILT SACK DETAIL

NOT TO SCALE



## CONSTRUCTION SPECIFICATIONS

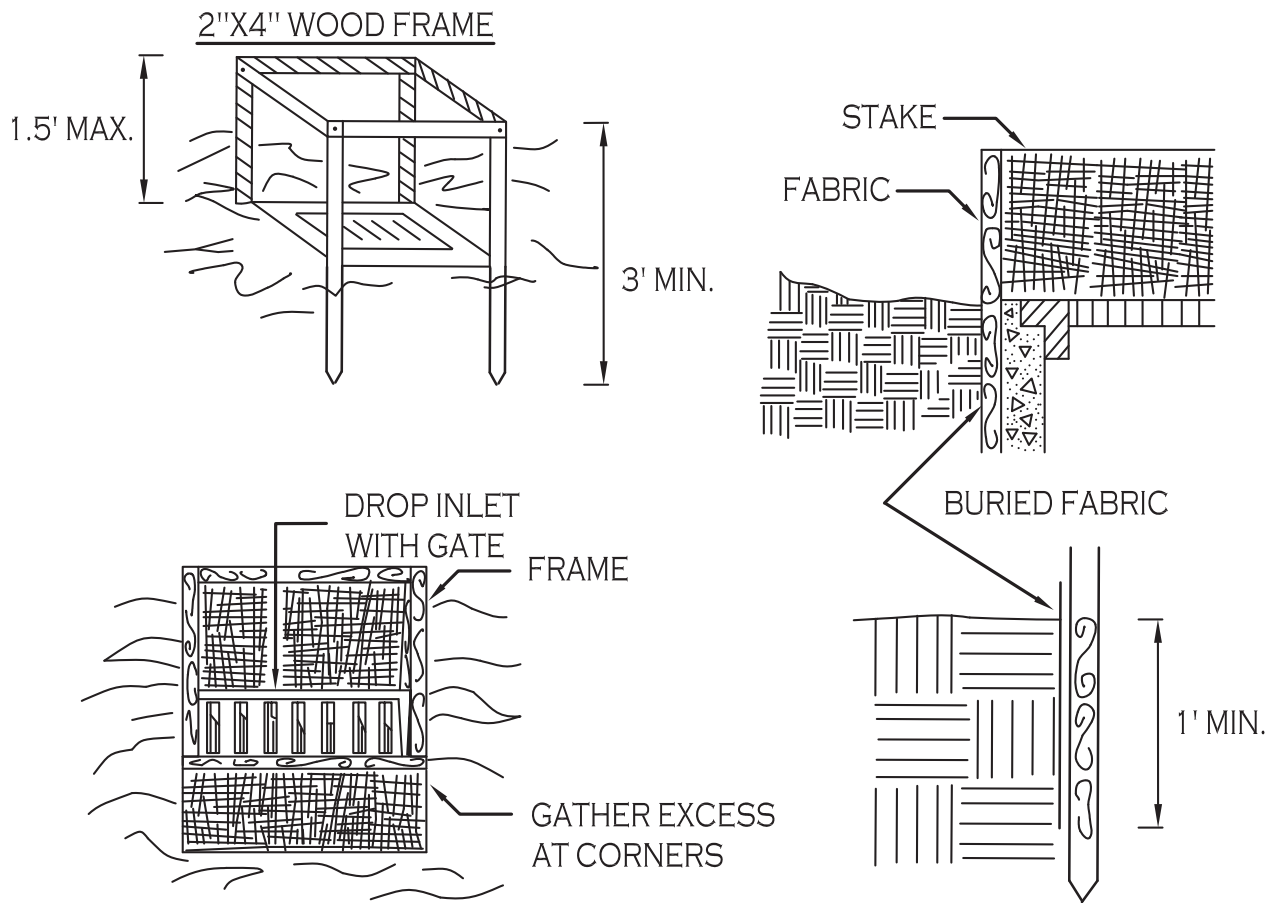
1. CLEAR THE AREA OF ALL DEBRIS THAT WILL HINDER EXCAVATION.
2. GRADE APPROACH TO THE INLET UNIFORMLY AROUND THE BASIN.
3. WEEP HOLES SHALL BE PROTECTED BY GRAVEL.
4. UPON STABILIZATION OF CONTRIBUTING DRAINAGE AREA, SEAL WEEP HOLES, FILL BASIN WITH STABLE SOIL TO FINAL GRADE, COMPACT IT PROPERLY AND STABILIZE WITH PERMANENT SEEDING.

MAXIMUM DRAINAGE AREA 1 ACRE

## INLET PROTECTION DETAIL 1

NOT TO SCALE





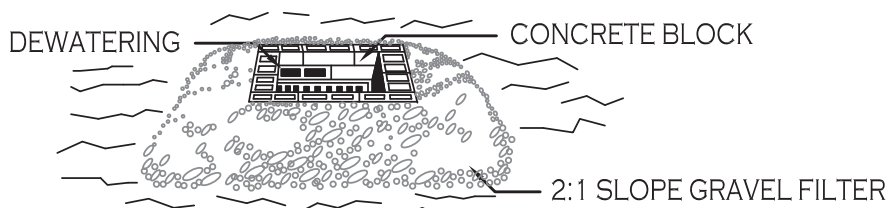
## CONSTRUCTION SPECIFICATIONS

1. FILTER FABRIC SHALL HAVE AN EOS OF 40-85. BURLAP MAY BE USED FOR SHORT TERM APPLICATIONS.
2. CUT FABRIC FROM A CONTINUOUS ROLL TO ELIMINATE JOINTS. IF JOINTS ARE NEEDED THEY WILL BE OVERLAPPED TO THE NEXT STAKE.
3. STAKE MATERIALS WILL BE STANDARD 2" x 4" WOOD OR EQUIVALENT. METAL WITH A MINIMUM LENGTH OF 3 FEET.
4. SPACE STAKES EVENLY AROUND INLET 3 FEET APART AND DRIVE A MINIMUM 18 INCHES DEEP. SPANS GREATER THAN 3 FEET MAY BE BRIDGED WITH THE USE OF WIRE MESH BEHIND THE FILTER FABRIC FOR SUPPORT.
5. FABRIC SHALL BE EMBEDDED 1 FOOT MINIMUM BELOW GROUND AND BACKFILLED. IT SHALL BE SECURELY FASTENED TO THE STAKES AND FRAME.
6. A 2" x 4" WOOD FRAME SHALL BE COMPLETED AROUND THE CREST OF THE FABRIC FOR OVER FLOW STABILITY.

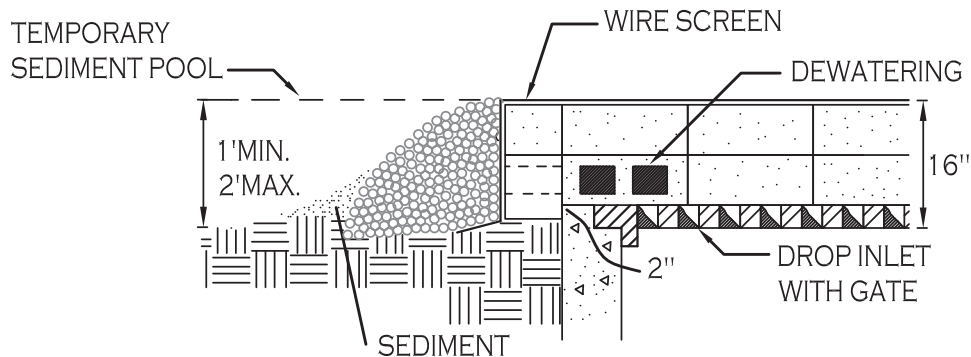
MAXIMUM DRAINAGE AREA 1 ACRE

## INLET PROTECTION DETAIL 2

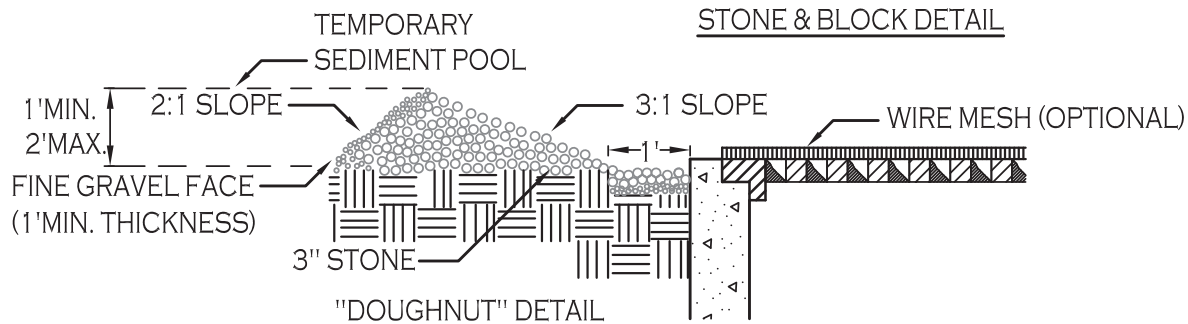
NOT TO SCALE



STONE & BLOCK PLAN VIEW



STONE & BLOCK DETAIL



"DOUGHNUT" DETAIL

## CONSTRUCTION SPECIFICATIONS

1. LAY ONE BLOCK ON EACH SIDE OF THE STRUCTURE ON ITS SIDE FOR DEWATERING. FOUNDATION SHALL BE 2 INCHES MINIMUM BELOW REST OF INLET AND BLOCKS SHALL BE PLACED AGAINST INLET FOR SUPPORT.
2. HARDWARE CLOTH OR 1/2" WIRE MESH SHALL BE PLACED OVER BLOCK OPENINGS TO SUPPORT STONE.
3. USE CLEAN STONE OR GRAVEL 1/2-3/4 INCH IN DIAMETER PLACED 2 INCHES BELOW TOP OF THE BLOCK ON A 2:1 SLOPE OR FLATTER.
4. FOR STONE STRUCTURES ONLY, A 1 FOOT THICK LAYER OF THE FILTER STONE WILL BE PLACED AGAINST THE 3 INCH STONE AS SHOWN ON THE DRAWINGS.

MAXIMUM DRAINAGE AREA 1 ACRE

## INLET PROTECTION DETAIL 3

NOT TO SCALE

## EXISTING TREE PROTECTION FENCE

### MATERIALS

MATERIALS FOR TEMPORARY PLASTIC BARRIER FENCES SHALL MEET THE FOLLOWING REQUIREMENTS:

- FENCE: HIGH-DENSITY POLYETHYLENE MESH, ULTRAVIOLET-STABILIZED MIN. 2 YEARS; MINIMUM HEIGHT 4.0 FEET. COLOR: HIGH-VISIBILITY ORANGE OR GREEN. WHEN USED TO PROTECT TREES OR OTHER VEGETATION, COLOR SHALL BE HIGH-VISIBILITY ORANGE.
- POSTS: RIGID METAL OR WOOD POSTS, MINIMUM LENGTH 6.0 FEET.
- TIES: STEEL WIRE, #14 GAUGE OR NYLON CABLE TIES.
- WARNING SIGNS: SHEET METAL, PLASTIC OR OTHER RIGID, WATERPROOF MATERIAL, 1.5 FEET BY 2.0 FEET WITH 4 INCH BLACK LETTERS ON A WHITE BACKGROUND. TEXT SHALL BE: "PROTECTED SITE - KEEP OUT" UNLESS OTHERWISE SPECIFIED.

### DETAILS

FENCES SHALL BE ERECTED PRIOR TO MOVING CONSTRUCTION EQUIPMENT ONTO ANY AREA DESIGNATED FOR PROTECTION.

THE LINE OF FENCES SHALL BE STAKED OR MARKED OUT ON THE GROUND BY THE CONTRACTOR AND APPROVED BY THE ENGINEER/OWNER BEFORE ANY FENCE IS INSTALLED. WHERE USED FOR PROTECTION OF INDIVIDUAL TREES, FENCE SHALL BE PLACED AT THE DRIP LINE (EXTENT OF CANOPY). IF NOT POSSIBLE, PLACEMENT SHALL BE AS CLOSE TO THE DRIP LINE AS POSSIBLE AND IN NO CASE LESS THAN 5.0 FEET AWAY FROM THE TREE TRUNK.

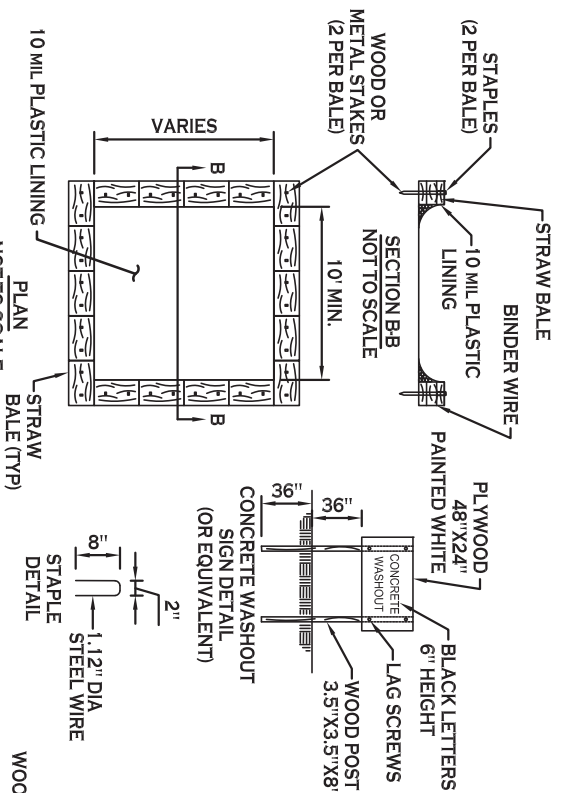
ON APPROVAL OF THE STAKEOUT, POSTS SHALL BE SECURELY DRIVEN ON 6.0 FOOT-MAXIMUM CENTERS, NORMAL TO THE GROUND, TO A DEPTH 1/3 OF THE TOTAL POST LENGTH. PLASTIC BARRIER FENCE SHALL BE PLACED ALONG THE SIDE OF ALL POSTS. ENDS OF FENCING SEGMENTS SHALL OVERLAP A DISTANCE OF AT LEAST ONE HALF THE FENCE HEIGHT.

FENCING SHALL BE SECURED TO POSTS WITH WIRE OR CABLE TIES AT TOP, MIDDLE AND BOTTOM OF POST. FASTENER SHALL BE TIGHT ENOUGH TO PREVENT THE FENCING FROM SLIPPING DOWN. OVERLAPS SHALL ALSO BE SECURELY FASTENED.

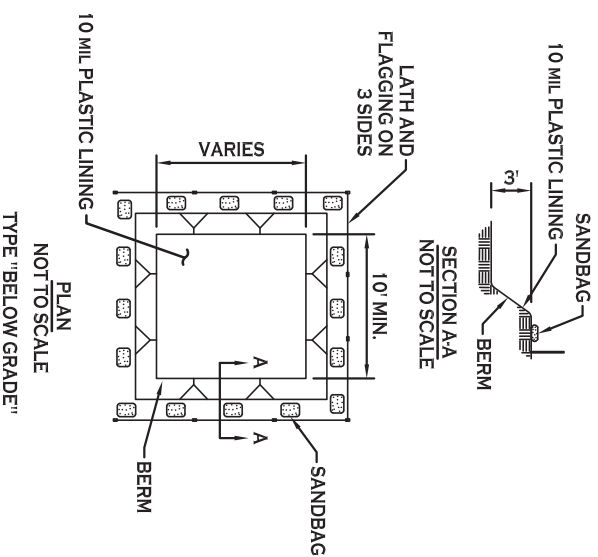
BARRIER FENCE WHICH IS NOT ORANGE IN COLOR SHALL BE FLAGGED AT 6.0 FOOT INTERVALS WITH RED OR ORANGE FLORESCENT TAPE. WARNING SIGNS SHALL BE MOUNTED ON THE FENCE AT NO MORE THAN 100 FOOT INTERVALS.

MAINTENANCE SHALL COMMENCE IMMEDIATELY AFTER ERECTION OF THE FENCE AND CONTINUE UNTIL ONE WEEK PRIOR TO ACCEPTANCE OF THE CONTRACT, AND SHALL CONSIST OF: REPLACING DAMAGED POST(S) AND FENCING; RE-FASTENING AND TIGHTENING FENCING; AND RESTORING FENCE TO ITS INTENDED HEIGHT.

FENCING USED FOR TREE OR OTHER VEGETATION PROTECTION SHALL NOT BE TEMPORARILY REMOVED TO ALLOW EQUIPMENT ACCESS OVER A PROTECTED AREA, EXCEPT AS REQUIRED FOR ITEMS OF WORK SPECIFICALLY SHOWN ON THE PLANS AND APPROVED BY THE ENGINEER IN WRITING.



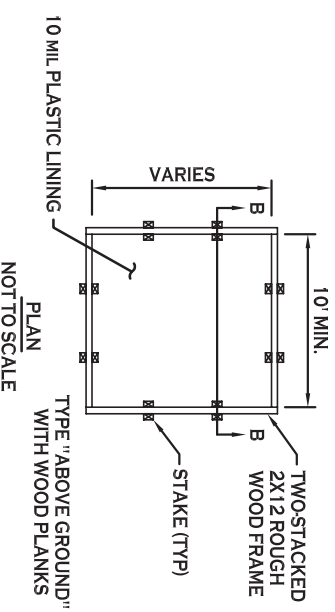
TYPE "ABOVE GRADE" WITH STRAW BALES



## NOTES

1. ACTUAL LAYOUT TO BE DETERMINED IN THE FIELD.
2. A CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30' OF THE TEMPORARY CONCRETE WASHOUT FACILITY.
3. MATERIALS USED TO CONSTRUCT TEMPORARY CONCRETE WASHOUT FACILITIES SHALL BE REMOVED FROM THE SITE OF THE WORK AND DISPOSED OF OR RECYCLED.
4. HOLES, DEPRESSIONS OR OTHER GROUND DISTURBANCE CAUSED BY THE REMOVAL OF THE TEMPORARY CONCRETE WASHOUT FACILITIES SHALL BE BACKFILLED, REPAIRED, AND STABILIZED TO PREVENT EROSION.

## CONCRETE WASHOUT DETAIL



NOT TO SCALE

## STANDARD AND SPECIFICATIONS FOR CONCRETE TRUCK WASHOUT



### Definition & Scope

A temporary excavated or above ground lined constructed pit where concrete truck mixers and equipment can be washed after their loads have been discharged, to prevent highly alkaline runoff from entering storm drainage systems or leaching into soil.

### Conditions Where Practice Applies

Washout facilities shall be provided for every project where concrete will be poured or otherwise formed on the site. This facility will receive highly alkaline wash water from the cleaning of chutes, mixers, hoppers, vibrators, placing equipment, trowels, and screeds. Under no circumstances will wash water from these operations be allowed to infiltrate into the soil or enter surface waters.

### Design Criteria

**Capacity:** The washout facility should be sized to contain solids, wash water, and rainfall and sized to allow for the evaporation of the wash water and rainfall. Wash water shall be estimated at 7 gallons per chute and 50 gallons per hopper of the concrete pump truck and/or discharging drum. The minimum size shall be 8 feet by 8 feet at the bottom and 2 feet deep. If excavated, the side slopes shall be 2 horizontal to 1 vertical.

**Location:** Locate the facility a minimum of 100 feet from drainage swales, storm drain inlets, wetlands, streams and other surface waters. Prevent surface water from entering the structure except for the access road. Provide appropriate access with a gravel access road sloped down to the structure. Signs shall be placed to direct drivers to the facility after their load is discharged.

**Liner:** All washout facilities will be lined to prevent

leaching of liquids into the ground. The liner shall be plastic sheeting with a minimum thickness of 10 mils with no holes or tears, and anchored beyond the top of the pit with an earthen berm, sand bags, stone, or other structural appurtenance except at the access point.

If pre-fabricated washouts are used they must ensure the capture and containment of the concrete wash and be sized based on the expected frequency of concrete pours. They shall be sited as noted in the location criteria.

### Maintenance

- All concrete washout facilities shall be inspected daily. Damaged or leaking facilities shall be deactivated and repaired or replaced immediately. Excess rainwater that has accumulated over hardened concrete should be pumped to a stabilized area, such as a grass filter strip.
- Accumulated hardened material shall be removed when 75% of the storage capacity of the structure is filled. Any excess wash water shall be pumped into a containment vessel and properly disposed of off site.
- Dispose of the hardened material off-site in a construction/demolition landfill. On-site disposal may be allowed if this has been approved and accepted as part of the projects SWPPP. In that case, the material should be recycled as specified, or buried and covered with a minimum of 2 feet of clean compacted earthfill that is permanently stabilized to prevent erosion.
- The plastic liner shall be replaced with each cleaning of the washout facility.
- Inspect the project site frequently to ensure that no concrete discharges are taking place in non-designated areas.

## **Appendix K**

**Wetland and Waterbodies Delineation Report and Army Corps  
approval, dated 4/4/22**





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

May 13, 2021

Regulatory Branch

**SUBJECT: Approved Jurisdictional Determination for Department of the Army Processing No. LRB-2020-01359**

Erik Krull  
Wetlands Investigation Co.  
503 Maynard Drive  
Amherst, NY 14226

Dear Mr. Krull:

I have reviewed your request, submitted on behalf of Parker Rd. Development, LLC., for an approved jurisdictional determination (JD) on an approximately 36.3-acre parcel of land located west of Parker Road, in the Hamburg, Erie County, New York (Sheet 1 of 2).

Enclosed is an approved JD which verifies the limits of waters of the U.S. within the subject parcel as depicted on Sheet 2 of 2. This approved JD will remain valid for a period of five (5) years from the date of this correspondence unless new information warrants revision of the approved JD before the expiration date. At the end of this period, a new aquatic resource delineation and JD will be required.

I have determined that the following aquatic resources are waters of the U.S. as noted on the attached Interim Approved Jurisdictional Determination Form: Tributary to Rush Creek and Wetland B. Therefore, these aquatic resources are regulated under Section 404 of the Clean Water Act. Department of the Army authorization is required if you propose a discharge of dredged or fill material in these waters of the U.S.

I have determined that the following aquatic resource is not a water of the U.S. as noted on the attached Interim Approved Jurisdictional Determination Form: Wetland A. Therefore, this aquatic resource is not regulated under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899. Department of the Army authorization is not required if you propose work or propose a discharge of dredged or fill material in this aquatic resource.

Further, this delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in your request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination for Department of the Army Processing No. LRB-2020-01359

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the above JD, you must submit a completed RFA form within 60 days of the date on this letter to the Great Lakes/Ohio River Division Office at the following address:

Jacob Siegrist  
Regulatory Appeals Review Officer  
US Army Corps of Engineers  
Great Lakes and Ohio River Division  
550 Main Street, Room 10-714  
Cincinnati, Ohio 45202-3222  
Phone: 513-684-2699 Fax: 513-684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by July 13, 2021.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

Questions pertaining to this matter should be directed to me at 716-879-4339, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: keith.c.sendziak@usace.army.mil

Sincerely,



Keith C. Sendziak  
Biologist

Enclosures

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Parker Rd. Development, LLC.		File Number: 2020-01359	Date: 5/13/2021
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I** - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

● **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

● **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

● **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

● **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

● **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

● **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Keith Sendziak  
U.S. Army Corps of Engineers  
1776 Niagara Street  
Buffalo, New York 14207  
716-879-4339  
keith.c.sendziak@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Jacob Siegrist  
Regulatory Appeals Review Officer  
US Army Corps of Engineers  
Great Lakes and Ohio River Division  
550 Main Street, Room 10-714  
Cincinnati, Ohio 45202-3222  
Phone: 513-684-2699 Fax: 513-684-2460

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 12-MAY-2021

ORM Number: LRB-2020-01359

Associated JDs: LRB-2020-00749

Review Area Location<sup>1</sup>:

State/Territory: NY City: Hamburg County/Parish/Borough: Erie

Center Coordinates of Review Area: Latitude 42.76537 Longitude -78.80251

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)<sup>3</sup>

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
tributary to Rush Creek	600 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	According to the Buffalo SE USGS Quad, this tributary is identified as intermittent. However, during the field visit, water was observed flowing within the tributary. Cobble/gravel substrate with riffle/pool complexes were observed. The tributary was approximately 5-10 feet in width and water depth ranged from a few inches to a few feet. According to the Antecedent

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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			Precipitation Tool (See Section III B below for additional data), the site visit was conducted during a period of drier than normal precipitation. Based on observed flow, channel width, and water depth, coupled with the precipitation data, leads to the conclusion that this is a perennial tributary.
--	--	--	---

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland B	0.644 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B was observed to physically abut the tributary to Rush Creek, an a(2) perennial tributary.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland A	0.063 acres	(b)(1) Non-adjacent wetland	Wetland A extends offsite to the west. An AJD was issued on April 9, 2021 for the immediately adjacent parcel to the west (LRB-2020-00749) that includes the offsite portion of Wetland A. That AJD determined the offsite portion of Wetland A is an excluded b(1) non-adjacent wetland. As such, the onsite portion of Wetland A is also considered an excluded b(1) non-adjacent wetland.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

  X   Information submitted by, or on behalf of, the applicant/consultant: *Wetland Delineation for Parker Rd., Hamburg, NY 14075, prepared for Parker Rd. Development, LLC, prepared by Wetlands Investigation Co., May & September 2020.*  
This information is sufficient for purposes of this AJD.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.





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Rationale: *N/A.*

- \_\_\_ Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- \_\_\_ Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s).*
- ☒ Corps Site visit(s) conducted on: *November 18, 2020.*
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): *LRB-2020-00749.*
- ☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- \_\_\_ USDA NRCS Soil Survey: *Title(s) and/or date(s).*
- \_\_\_ USFWS NWI maps: *Title(s) and/or date(s).*
- ☒ USGS topographic maps: *Buffalo SE, 7.5 min Quad.*

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The subject parcel's latitude/longitude was entered into the Antecedent Precipitation Tool (APT) which was used to determine average precipitation, total precipitation over the 90 days preceding the Corps' site visit, and whether the site visits were conducted under dry, normal or wet conditions. The APT pulled precipitation data from the nearest weather station – Buffalo. The APT shows that normal precipitation is between the 30th (2.2") and 70th (5.0") percentiles. The APT indicates that 0-30 days prior to the site visit precipitation was 3.1" which is between the 30<sup>th</sup> and 70<sup>th</sup> percentiles. Thirty to 60 days prior to the visit the APT indicates that precipitation was 3.7" which is also between the 30<sup>th</sup> and 70<sup>th</sup> percentiles, and 60 to 90 days prior precipitation was 1.6" which is below the 30th percentile. Therefore, one to two months prior to the site visit precipitation was normal and three months prior to the site visit precipitation was considered below normal for that time of year.

The APT, using a weighted approach, indicates that the site visit was conducted during a period of below normal precipitation.

- C. Additional comments to support AJD:** The tributary to Rush Creek flows into Rush Creek, which flows into Lake Erie, an a(1) navigable waterway.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

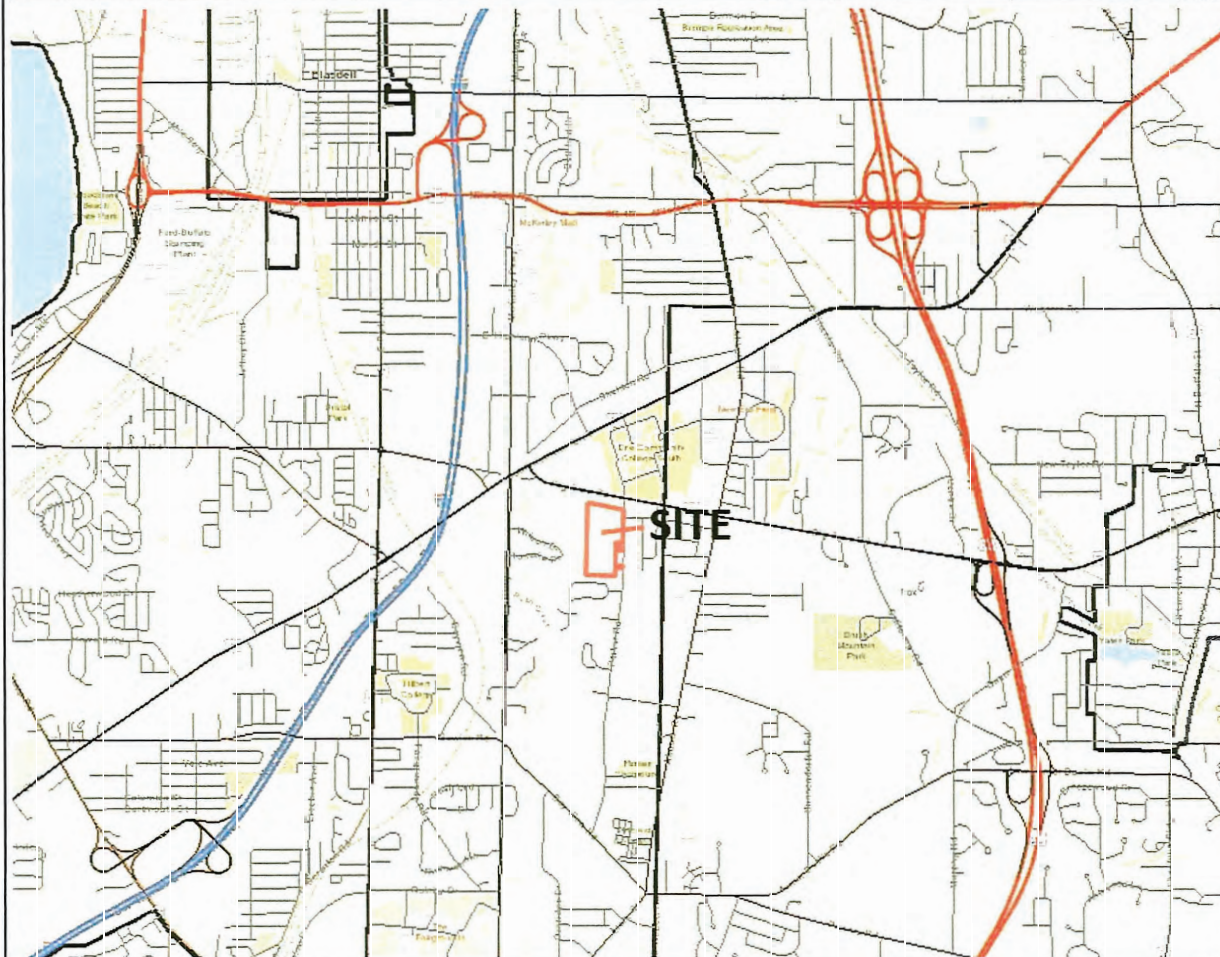
<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



## Erie County On-Line Mapping Application



### Legend

#### Streets and Highways

- Interstate
- Primary State Road
- Secondary State Road
- County Road
- Local Road

Sheet 1 of 2

0 0.96 1.9 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**ERIE COUNTY  
DEPARTMENT OF ENVIRONMENT & PLANNING  
OFFICE OF GIS**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 60,950







Source: Esri, DigitalGlobe, CNES/Airbus DS, USDA, Community

0 125 250 500 750 1,000 Feet

GPS points are approximate  
Mapped by Dylan Krull 9/26/2020



# **Wetland Delineation**

*for*

Parker Rd.

Hamburg, NY 14075

## ***Prepared for:***

Parker Rd. Development, LLC

4534 Clinton St.- Suite 1 Bldg. 1

West Seneca, NY 14224

## ***Project Manager:***

Erik Krull

***May & September, 2020***

***Wetlands Investigation Co.***

***Wetlands Counseling***

***Delineation, Mitigation & Permitting***

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***503 Maynard Dr. Amherst, NY 14226 2256 (716) 830-3839***

***[erikkrull@aol.com](mailto:erikkrull@aol.com)***

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## **Introduction**

The subject site consists of 36.29 +/- acres of vacant land on Parker Rd. Hamburg, NY. The northeast corner of the project is located 300 ft south of the intersection of Big Tree Rd. and Parker Rd. There are approx. 1000 ft. of road frontage on Parker Rd. from which the property may be accessed. The project sponsors are planning to single family residential development on the site.

Wetlands Investigation Co. was contracted by the project sponsor to ensure that the project complies with Federal and NYS wetland regulations. (See Location Map, pg. 11)

## **Site Description**

The north boundary of the site is parallel to Big Tree Rd. and extends westerly from Parker Rd. for 979 ft. to the parcel which borders the site on the west side. Approximately 300 ft west of Parker Rd. the north boundary crosses an intermittent tributary to Rush Creek. The site extends approximately 1800 ft. from northern boundary to the southern boundary.

Initially, Wetlands Investigation completed a wetland delineation in May of 2020 for an area approximately 2 acres smaller than the current project site. The initial delineation did not include the area with the creek which runs along the north boundary. The additional acreage was delineated in Sept. of 2020. The additional acreage was added to increase the green space and lower the density of the residential development. (See Wetland Boundary, Sample Plot and Photo Map, pg.16)

The site with the exception of the Rush Creek tributary area was occupied by an old hay field that was planted in 2012. The vegetation in the field was a mixture of hay grasses and plant species (predominately weeds) that colonize old hay fields and abandoned farmland. The field was deep plowed during late summer to facilitate an archaeological survey of the site.

The property is slightly rolling and slopes at between 1 to 4 percent from the higher east side along Parker Rd. to the lower west side of the property. There are several acres in the northwest portion of the site that slope north towards the intermittent tributary of Rush Creek. Wetlands Investigation Co. mapped a small emergent wetland in the hay field (wetland A) and the intermittent tributary and adjacent emergent wetlands (wetland B) while conducting the on-site wetland delineation. (See Wetland Boundary and Sample Plot Maps pgs. 12-13)

## **Interagency Information**

### ***NYS Freshwater Wetland***

The NYSDEC environmental resource mapper indicates there are no NYS Freshwater Wetlands located on or in close proximity to the project site. (See NYSDEC Freshwater Wetland Map, pg. 14)



### ***National Wetland Inventory***

The National Wetland Inventory (NWI) map of the subject site portrays the intermittent creek as a riverine wetland and a small area of creek floodplain as an emergent wetland. The NWI map also portrays forested wetlands on the neighboring parcel west of the site.

While conducting the on-site delineation Wetlands Investigation Co. mapped a small emergent wetland area (wetland A - .063+/- ac) in a low flat area on the west side of the hay field. The riverine wetland and the adjacent emergent wetland (wetland B - .644+/- ac) were also mapped. (See NWI map pg. 15, and Wetland Boundary and Photo Direction Maps, pgs. 16-17)

### ***FEMA Floodplains***

The FEMA floodplains Map of the project vicinity indicates that there are no floodplains associated with the intermittent tributary to Rush Creek that crosses the north area of the project site. (See FEMA Floodplain Map, pg. 18)

### ***Soils***

The soil survey map portrays five soil series on the subject site, Darien silt loam, Niagara silt loam, till substratum, Illion silt loam, Wayland silt loam and Canandaigua silt loam.

Darien silt loam and Niagara silt loam till substratum are classified by the Natural Resource Conservation Service as a somewhat poorly drained soil. These soils under certain circumstances can become saturated at or near the surface for extended periods during the growing season, long enough to support a prevalence wetland vegetation.

The Darien and Niagara silt loam, till substratum have a "potential for hydric soil inclusions" designations from the Natural Resource Conservation Service. The Darien soils on this site do not display hydric soil characteristics, and do not remain saturated at or near the soil surface long enough during the growing season to support wetland (hydrophytic) vegetation. The Niagara silt loam soil on this site do not display hydric soil characteristics, and do not remain saturated at or near the surface for a period long enough to support wetland (hydrophytic) vegetation, except for a small hydric inclusion (Wetland A).

The Illion, Wayland and Canandaigua silt loam soils are classified by the Natural Resource Conservation Service as poorly drained and have a hydric soil designation from the Natural Resource Conservation Service. These soils under normal circumstances become inundated and /or saturated for extended periods during the growing season and support a prevalence of wetland (hydrophytic) vegetation.

The Illion soil on this is drained well enough that it does not support a prevalence wetland vegetation. The vast majority of Illion soil on this site has slopes from 2 to 3 percent and may have been mapped improperly. There are several large cuts through the high banks on the south side of the Rush Creek tributary that allow water from the Illion and Wayland soils at the north end of the field to readily drain down the slope and into the creek.



The Wayland soils on the site are located along the Rush Creek tributary and remain saturated for extended periods during the growing season and support a prevalence of wetland (hydrophytic) vegetation.

The Canandaigua soil only occupies approximately ½ acre in the southern portion of the field adjacent to the site's west boundary line. The vegetation in this area was not hydrophytic.

Hydric soil characteristics and wetland hydrology (the saturation or inundation of soils by groundwater for extended periods of the growing season) are two of the three parameters that must be present for an area to be designated a jurisdictional wetland. (See Web Soil Survey Map, Legend and Map Unit Descriptions, pgs.19-31)

### **Site Ecology**

The subject site supports five plant communities. Plant Communities 1 and 3 are upland plant communities which together occupy over 97 percent of the site. Plant communities 1 and 3 dominated by plant species that have been assigned a northeast regional wetland indicator status of upland (UPL) and/or facultative upland (FACU). Plant Community 1 occupies the old hay field and is located on the Darien, Niagara and Illion silt loam soils. Plant community 3 occupies the high banks, small hillocks along the south side of the central and eastern portions of the creek and the area north of the emergent wetlands on the north side of the creek.

Plant community 2, 4 and 5 are wetland plant communities which are dominated by emergent wetland (hydrophytic) plant species that have been assigned a northeast regional wetland indicator status of obligate wetland (OBL), facultative wetland (FACW) and/or Facultative (FAC). Plant Community 2 occupies a hydric inclusion in the somewhat poorly drained Niagara silt loam and supports a prevalence of emergent wetland vegetation. Plant Community 4 is located on the Rush Creek tributary floodplain. Plant community 4 occupies Wayland silt loam soil and supports a prevalence of emergent wetland vegetation mixed with shrubs in some areas and an occasional tree. Plant community 5 consists of the Rush Creek tributary creek bed and the lower banks from the mean highwater zone to the creek bed. (See Plant Community Maps, pgs. 32-33, and Photographs pgs. 34-40, and Wetland Determination Data Forms pgs. 41-91)

A prevalence of hydrophytic (wetland) vegetation is the one of the three parameters that must be present for an area to be a considered a jurisdictional wetland.

The plant species that are common in each Plant Community are listed by order of dominance within each stratum in the following tables along with the plant species northeast regional indicator status.

#### ***Plant Community 1***

Plant community 1 is an upland community which occupies the Niagara, Darien and Illion silt loam soils. This community occupies the old hay field which is dominated by herbaceous species



that commonly establish in old farm fields that have been idle for many years. The herbaceous stratum is exposed to full sun light all day long and is very dense. The field was not cultivated for the past 8 years, the field was cut annually. There are few scattered large natural trees with shrubs and small trees around them crowded onto three tiny islands in the old hay field in Plant community 1.

### Trees

Botanical Name	Common Name	Northeast Regional Indicator Status
<u>Carya ovata</u>	Shag-bark Hickory	FACU
<u>Pyrus malus</u>	Apple	UPL

### Saplings & Shrubs

Botanical Name	Common Name	Northeast Regional Indicator Status
<u>Cornus racemosa</u>	Panicked Dogwood	FAC
<u>Lonicera morrowii</u>	Morrows's Honetsuckle	FACU
<u>Rosa multiflora</u>	Multiflora rose	FACU

### Herbs

Botanical Name	Common Name	Northeast Regional Indicator Status
<u>Anthoxanthum odoratum</u>	Sweet Vernal Grass	FACU
<u>Festuca pratensis</u>	Meadow Fescue	UPL
<u>Dactylis glomerata</u>	Orchard Grass	FACU
<u>Phleum pratense</u>	Timothy	FACU
<u>Trifolium pratense</u>	Red Clover	FACU
<u>Poa pratensis</u>	Kentucky Blue Grass	FACU
<u>Trifolium hybridum</u>	Alsike Clover	FACU
<u>Vicia tetrasperma</u>	Four-seeded Vetch	FACU
<u>Ranunculus hispidus</u>	Bristly Buttercup	FAC
<u>Symphyotrichum laterifolium</u>	Starved Aster	FAC
<u>Agrostis stolonifera</u>	Spreading Bent	FACW
<u>Cerastium fontanum</u>	Common Mouse-ear Chickweed	FACU
<u>Daucus carota</u>	Queen Anne's Lace	UPL
<u>Taraxacum officinale</u>	Common Dandelion	FACU
<u>Barbarea vulgaris</u>	Garden Yellow-Rocket	FAC



**Plant Community 2**

Plant Community 2 is a wetland plant community which occupies hydric inclusion in the Niagara silt loam till substratum on the west edge of the field. Plant community 2 is dominated by emergent wetland plant species that commonly occupy wet meadows throughout western New York.

**Herbs**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Northeast Regional Indicator Status</b>
<i>Agrostis stolonifera</i>	Spreading Bent	FACW
<i>Juncus effusus</i>	Lamp Rush	OBL
<i>Ranunculus hispidus</i>	Bristly Buttercup	FAC
<i>Carex vulpinoidea</i>	Foxtail Sedge	OBL
<i>Penthorum sedoides</i>	Ditch Stonecrop	OBL
<i>Alisma plantago-aquatica</i>	Water-Plantain	FACW
<i>Scirpus atrovirens</i>	Dark-Green Bulrush	OBL
<i>Typha angustifolia</i>	Canada Goldenrod	OBL

**Plant community 3**

Plant community 3 is an upland plant community growing on the high mounds between the field and the Rush creek tributary creek banks. This area has several tiny hillocks that rise several ft. above the creeks top of bank. Water sheds in all directions off the side slopes of the hillocks. This area is dominated by plant species that normally grow in open areas that receive direct sun on moderately well drained soil.

**Trees**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Northeast Regional Indicator Status</b>
<i>Populus deltoides</i>	Eastern Cottowood	FAC

**Saplings & Shrubs**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Northeast Regional Indicator Status</b>
<i>Cornus racemosa</i>	Panicked Dogwood	FAC
<i>Lonicera morrowii</i>	Morrows's Honetsuckle	FACU
<i>Rosa multiflora</i>	Multiflora rose	FACU
<i>Rhus typhina</i>	Staghorn Sumac	UPL



**Herbs**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Northeast Regional Indicator Status</b>
<i>Centaurea jacea</i>	Brow- Ray Knapweed	FACU
<i>Poa pratensis</i>	Kentucky Blue Grass	FACU
<i>Festuca pratensis</i>	Meadow Fescue	UPL
<i>Solidago canadensis</i>	Canada Golden-Rod	FACU
<i>Dactylis glomerata</i>	Orchard Grass	FACU
<i>Phleum pratense</i>	Timothy	FACU
<i>Plantago major</i>	Broad-leaf plantain	FACU
<i>Daucus carota</i>	Queen Anne's lace	UPL
<i>Euthamia graminifolia</i>	Flat-Top Golden -Top	FAC
<i>Symphyotrichum lateriflorum</i>	Starved Aster	FAC
<i>Vicia tetrasperma</i>	Four-seeded Vetch	UPL
<i>Asclepias syriaca</i>	Common Milkweed	UPL
<i>Mentha arvensis</i>	American Wild Mint	FACW
<i>Glechoma hederacea</i>	Ground Ivy	FACU
<i>Taraxacum officinale</i>	Common Dandelion	FACU
<i>Allium vineale</i>	Field Garlic	FACU
<i>Rumex crispus</i>	Tall Buttercup	FAC
<i>Plantago lanceolata</i>	Garden Yellow-Rocket	FACU

**Plant Community 4**

Plant Community 4 is an emergent wetland plant community that occupies the west end of the creek corridor where the creek banks are low and there is a floodplain area on both sides of the creek. The flood plain area is on the north side is much wider than the area on the south side of the creek. The flood plain area on the south side of the creek was part of the old field that was deep plowed to facilitate the archaeological survey.

**Trees**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Northeast Regional Indicator Status</b>
<i>Salix alba</i>	White Willow	FACW
<i>Acer negundo</i>	Boxelder	FAC
<i>Populus deltoides</i>	Eastern Cottonwood	FAC

**Saplings & Shrubs**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Northeast Regional Indicator Status</b>
<i>Cornus amomum</i>	Silky Dogwood	FACW
<i>Rhamnus cathartica</i>	European Buckthorn	FAC
<i>Rosa multiflora</i>	Multiflora rose	FACU



### Herbs

Botanical Name	Common Name	Northeast Regional Indicator Status
<i>Lythrum salicaria</i>	Purple Loosestrife	OBL
<i>Agrostis stolonifera</i>	Spreading bent	FACW
<i>Bidens frondosa</i>	Devil's Pitchfork	FACW
<i>Lysmachia nummularia</i>	Creeping Jenny	FACW
<i>Phalaris arundinacea</i>	Reed Canary Grass	FACW
<i>Juncus effusus</i>	Lamp Rush	OBL
<i>Euthamia graminifolia</i>	Flat-Top Golden-Top	FAC
<i>Typha angustifolia</i>	Narrow-leaved Cat-tail	OBL
<i>Solidago canadensis</i>	Canada Golden-Rod	FACU
<i>Symphyotrichum racemosum</i>	Fragile-Stem American Aster	FACW
<i>Carex retrorsa</i>	Retorse Sedge	OBL
<i>Symphyotrichum laterifolium</i>	Starved Aster	FAC

### Plant Community 5

Plant community 5 occupies the creek bed between the mean highwater elevations of the creek banks. The creek bottom varies from small stones and gravel in some areas to mud and muck in others. The creek bed supports emergent wetland vegetation where soil and organic matter alluvium has been deposited. The lower banks support trees, shrubs as well as herbs.

### Trees

Botanical Name	Common Name	Northeast Regional Indicator Status
<u><i>Salix alba</i></u>	White willow	FACW
<u><i>Acer negundo</i></u>	Boxelder	FAC
<u><i>Populus deltoides</i></u>	Eastern Cottonwood	FAC
<u><i>Fraxinus pennsylvanica</i></u>	Green Ash	FACW

### Saplings & Shrubs

Botanical Name	Common Name	Northeast Regional Indicator Status
<u><i>Cornus amomum</i></u>	Silky Dogwood	FACW
<u><i>Salix x fragilis</i></u>	Crack Willow	FAC
<u><i>Rhamnus cathartica</i></u>	European Buckthorn	FAC
<u><i>Fraxinus pensylvanica</i></u>	Green Ash	FACW



### Herbs

Botanical Name	Common Name	Northeast Regional Indicator Status
<i>Impatiens capensis</i>	Spotted Touch-me-not	FACW
<i>Leersia oryzoides</i>	Rice Cut-Grass	OBL
<i>Lythrum salicaria</i>	Purple Loosestrife	OBL
<i>Mentha x piperita</i>	Peppermint	OBL
<i>Lysmachia nummularia</i>	Creeping Jenny	FACW
<i>Persicaria pensylvanica</i>	Pennsylvania Smartweed	FACW
<i>Myosotis scorpioides</i>	True Forget-me-not	OBL
<i>Juncus effusus</i>	Lamp Rush	OBL
<i>Typha latifolia</i>	Broad-leaved Cat-tail	OBL
<i>Convolvulus arvensis</i>	Field Bindweed	UPL
<i>Scirpus atrovirens</i>	Dark Green Bulrush	OBL
<i>Bidens frondosa</i>	Devils Pitchfork	FACW
<i>Agrostis stolonifera</i>	Spreading Bent	FACW

### METHODOLOGY for FIELD

**Note:** This area was delineated in May, 2020.

The site was investigated using the on-site inspection method for areas greater than 5 acres in size. This method is described in the "*Corps of Engineers Wetlands Delineation Manual, January 1987*," Part IV, Section D, Subsection 2. The upland/hydrophytic vegetation determinations, hydric/non-hydric soil designations and the presence or lack of wetland hydrology at each sample plot were determined according to the parameters set forth in the "*Northeast Regional Supplement to the Corps of Engineers Wetland Delineation Manual, January 1987*". The site investigation was conducted during May, 2020.

Parker Rd. the eastern boundary of the subject site was designated as the baseline. Parker Rd. and essentially perpendicular to the hydrologic gradient. Three transects with a total of 11 sample plots were studied. The entire parcel was traversed to identify the plant communities prior to the selection of the exact transect locations. The transects were placed in suitable locations so all plant communities present on the subject site would be sampled, and so that the main transects were located at, or as close as possible to, the mid-point of each baseline segment.

Vegetation data for the herbaceous stratum was recorded within a 5-foot radius of the center of the sample plot. Vegetation data was recorded for the sapling/shrub stratum within a 15-foot radius of the center of the sample plot. Data was recorded for the tree and woody vine strata within a 30-foot radius from the center of the sample plot. The data was then statistically analyzed to determine hydrophytic status according to the "*50/20 Rule*" described in the "*Northeast Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual, January 1987*." (See Vegetation Data Sheets).



Soil pits were dug to a depth of 18 inches at each sample plot. Munsell color notations were recorded for the A horizon and B horizons, and other pertinent characteristics were also noted. From this soil profile data, a hydric or non-hydric designation was made.

Observations on the hydrology were also taken at each hole. The sides of each hole were examined to determine the upper level at which water was seeping into the hole. The soil pits were also observed after sufficient time had been allowed for water to drain into the hole. The depth to the water table and saturated soils were recorded. Primary and secondary evidence of wetland hydrology were also recorded when observed.

Sample Plots that support a prevalence of hydrophytic vegetation, are located on hydric soils and exhibit wetland hydrology were categorized as wetland plant community. The sample plots that do not support a prevalence of hydrophytic vegetation were categorized as upland (non-wetland) areas. The wetland boundaries were located at the interface of the upland and wetland plant communities. Observations and data were recorded at 3 additional sample plots to confirm the upland/wetland boundary location.

The boundary was carefully examined and flagged. The locations of the wetland delineation flags, the 11 transect sample plots, and the additional 3 boundary sample plots were picked up using waypoints on a DeLorme Earthmate PN-60 GPS unit. The files were then converted into an ERSI shapefile using DNR Garmin program. Using ARCGIS 10.1 the points were put onto ortho-imagery from gis.ny.gov.

## METHODOLOGY for RUSH CREEK TRIBUTARY AREA

**Note:** This area was added to the delineation in September, 2020. The Plant community method for five acres or less was used to delineate this area, because the area is only covers a couple acres of the site and the plant community boundaries are well defined.

The site was investigated using the on-site inspection method for "Areas Equal To or Less Than 5 Acres in Size." This method is described in the "**Corps of Engineer Wetlands Delineation Manual, January 1987,**" Part IV, Section D, Subsection 2. The site investigation was conducted during September, 2020. All sampling and interpretation of the data was conducted according to the methods described in the **Northeast Interim Regional Supplement to the "Corps of Engineers Wetland Delineation Manual, January 1987."**

The subject site was traversed to determine the number and locations of plant community types. Two plant communities were identified. Then a base map of the location of the plant community types was prepared. Each plant community was then assigned a number for future reference. One (1) representative sample plot was selected within Plant Communities 3, 4 and 5.

Vegetation data for the herbaceous stratum was taken within a 5-foot radius of the center of the sample plot. Sapling and shrub data was taken within a 15-foot radius of the center of the sample plot. Data for the tree and woody vine strata were taken within a 30-foot radius from the center of the sample plot. The data was then statistically analyzed to determine hydrophytic status



according to the 50/20 method described in the **Northeast Interim Regional Supplement to the "Corps of Engineers Wetland Delineation Manual, January 1987."**

Soil was examined to a depth of 18" at each sample plot. Munsell color notations were recorded for matrix and mottles of each soil horizon to a depth of 18". Other pertinent soil characteristics such as texture, structure and mottle percentages were also noted. From this soil data, a hydric or non-hydric designation was made according to the parameters described in the **Northeast Interim Regional Supplement**.

Observations on the hydrology were also taken at each soil sample pit. The sides of each pit were examined to determine the level at which water was seeping into the hole. The soil pits were also observed after sufficient time had been allowed for water to drain into the hole. The depth of the water table and saturated soils were then recorded. Secondary indicators of wetland hydrology were also observed and recorded when present.

Plant communities that exhibit all three wetland parameters: hydrophytic vegetation, hydric soil and wetland hydrology were classified wetland communities. Plant communities lacking one or more of the three wetland parameters were classified non-wetland communities.

The upland/wetland plant community boundary was marked with numbered flags. The flag locations were subsequently recorded using a DeLorme Earthmate PN-60 GPS unit. The files were then converted into an ERSI shapefile using DNR Garmin program. Using ARCGIS 10.1 the points were put onto ortho-imagery from gis.ny.gov to produce the final wetland and plant community maps.

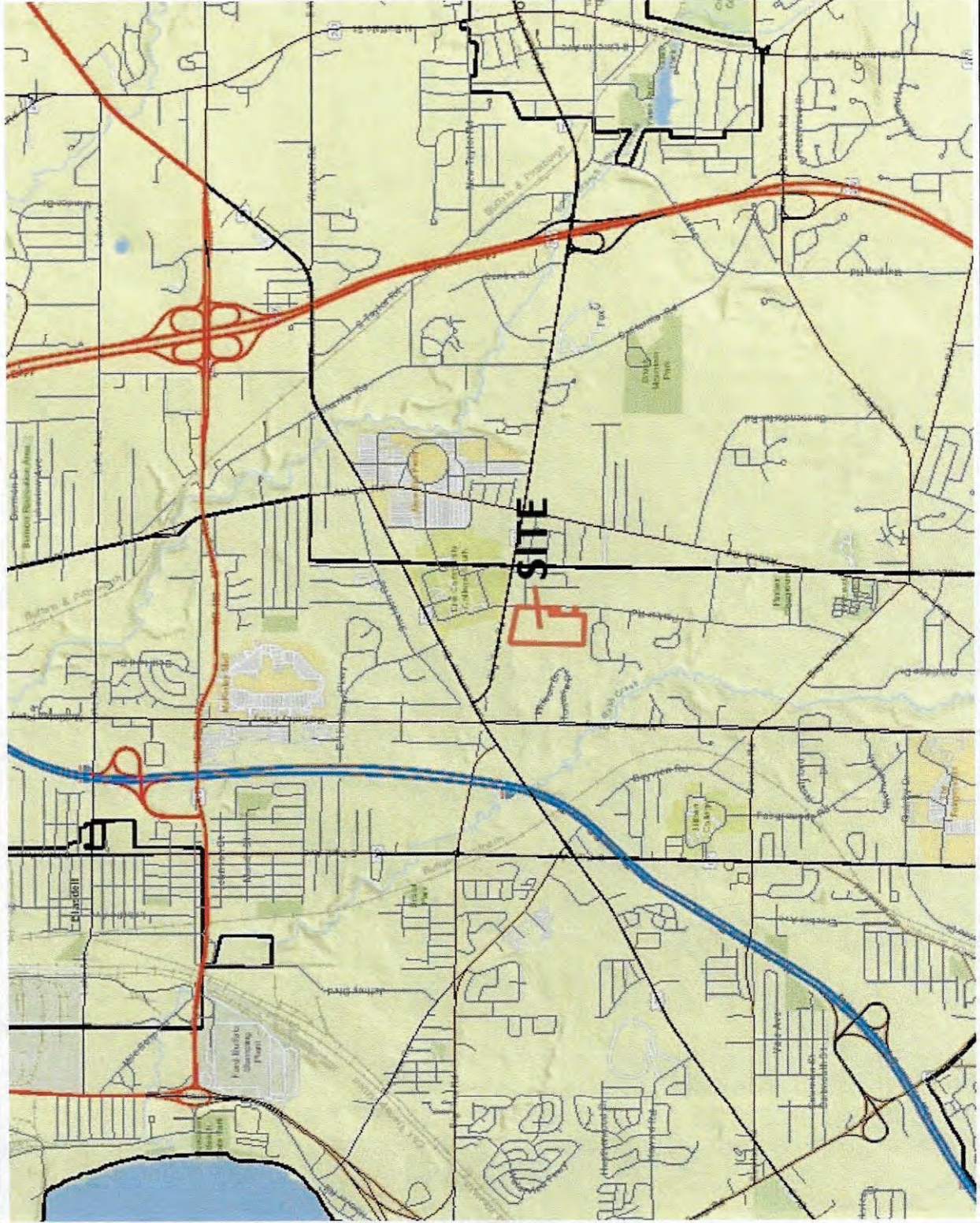
## Conclusions

The site contains 2 wetland areas, Wetland A located on flat area near the parcel's west boundary line, and Wetland B located along the Rush Creek tributary. Wetland A supports emergent wetland vegetation and occupies .063+/- acres. Wetland B supports emergent vegetation as well as trees and shrubs that line the banks of the Rush Creek Tributary and occupies .64+/- acres that stretches across approximately 600 ft. of the site near the northern boundary.

Wetland A appears to be isolated. Wetland B is a jurisdictional wetland that includes the Rush Creek Tributary and the wetland areas directly adjacent to the creek on the project site. Rush Creek flows directly into Lake Erie



# Erie County On-Line Mapping Application



## Legend

### Streets and Highways

- Interstate
- Primary State Road
- Secondary State Road
- County Road
- Local Road



0 0.96 1.9 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**ERIE COUNTY**  
**DEPARTMENT OF ENVIRONMENT & PLANNING**  
**OFFICE OF GIS**

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 60,950





# Wetland Boundary Map - Parker Rd. Hamburg NY



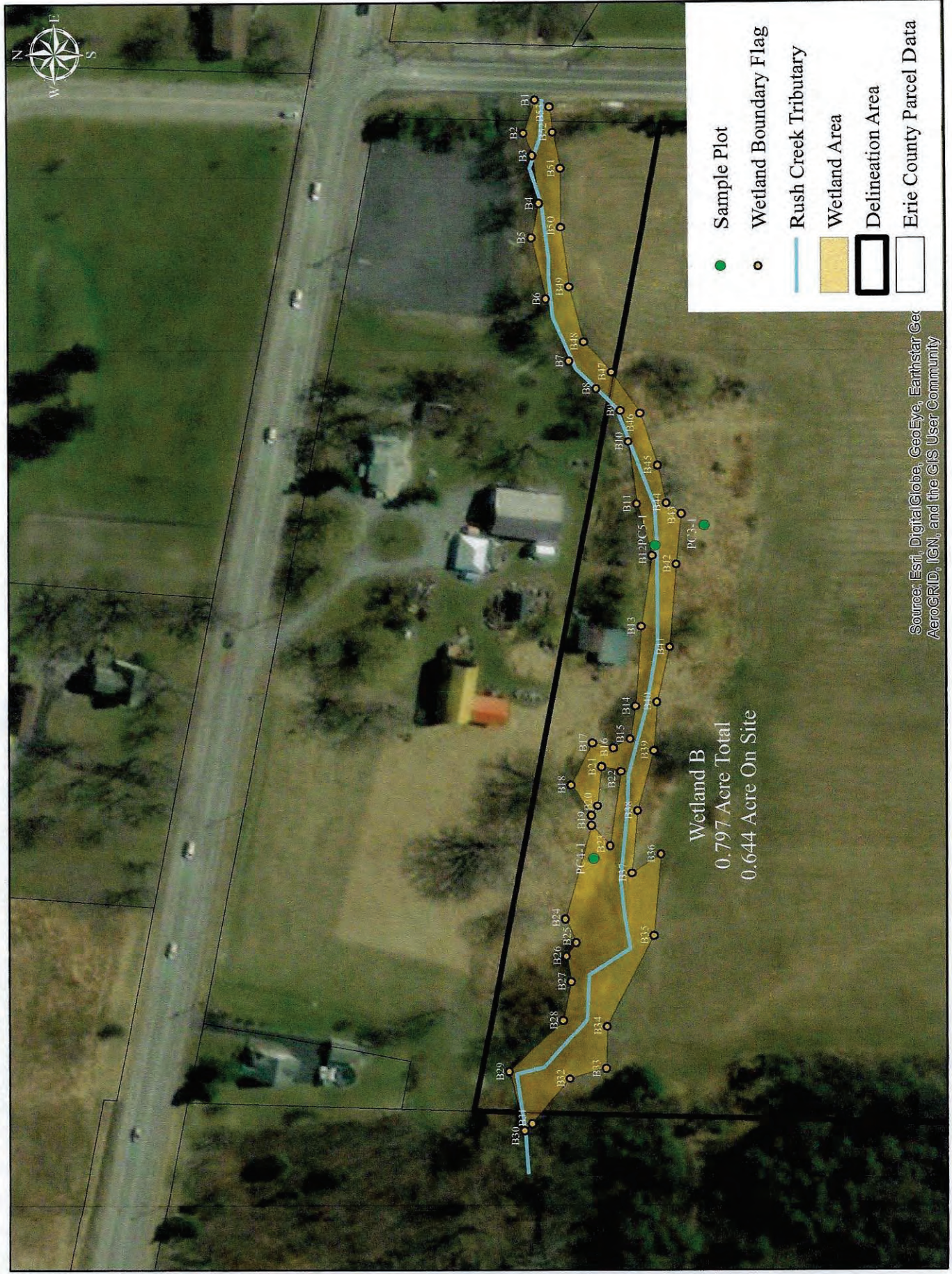
Source: Esri, DigitalGlobe, GeoEye, IGN, CNES/Airbus DS, USDA, AeroGRID, IGN, Esri, Community

0 125 250 500 750 1,000 Feet

GPS points are approximate  
Mapped by Dylan Krull 9/26/2020



# Wetland Boundary Map - Parker Rd. Hamburg NY





# Environmental Resource Mapper

Base Map:  Using this map

Search

Tools


Layers and Legend

☒ All layers

☒  Unique Geological Features

☒  Waterbody Classifications for Rivers/Streams

☒  Waterbody Classifications for Lakes

☒  State Regulated Freshwater Wetlands  
(Outside of the Adirondack Park)

☒  State Regulated Wetland Checkzone

☒  Significant Natural Communities

☒  Natural Communities Near This Location

Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts







May 2, 2020

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

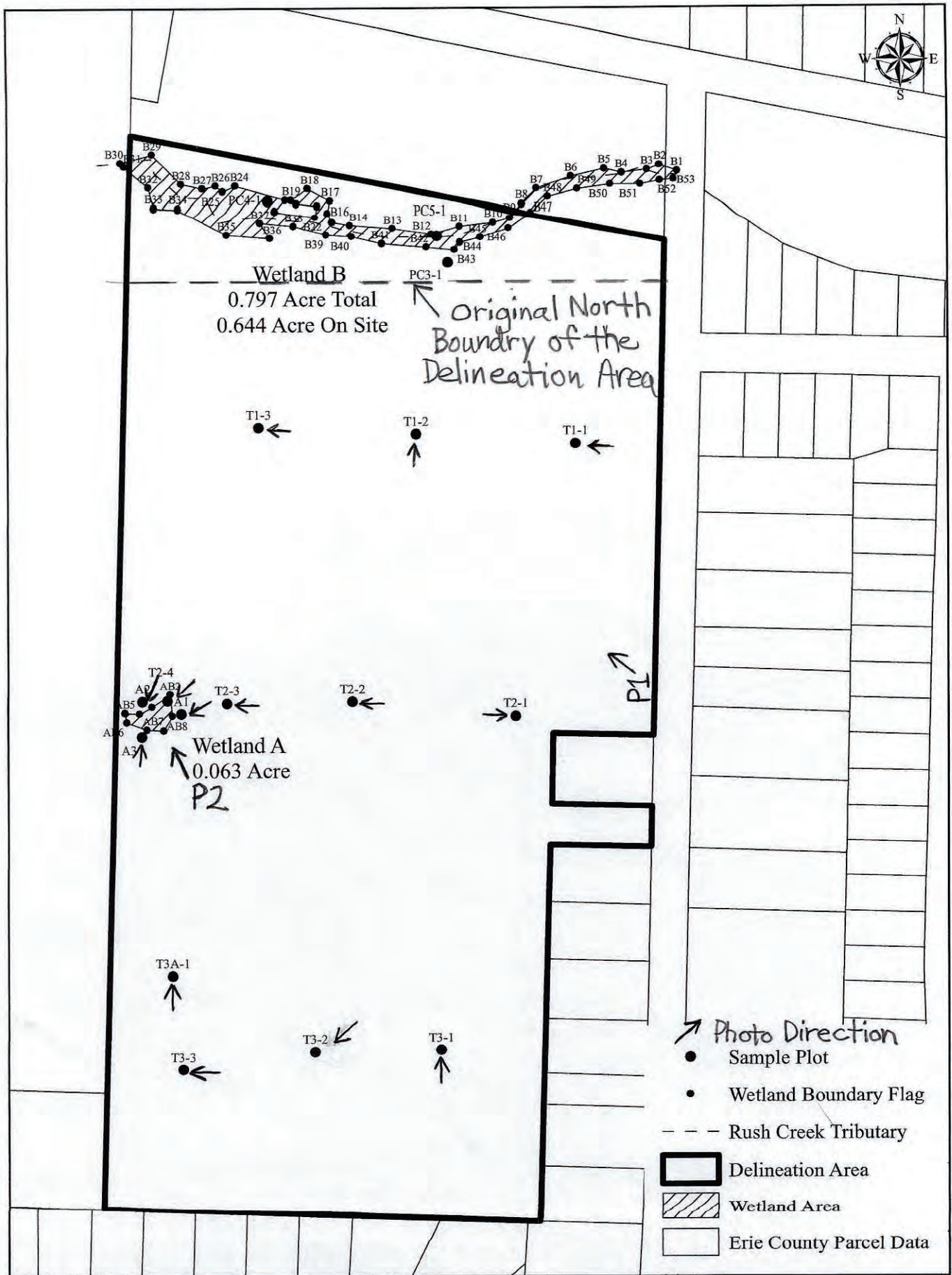
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

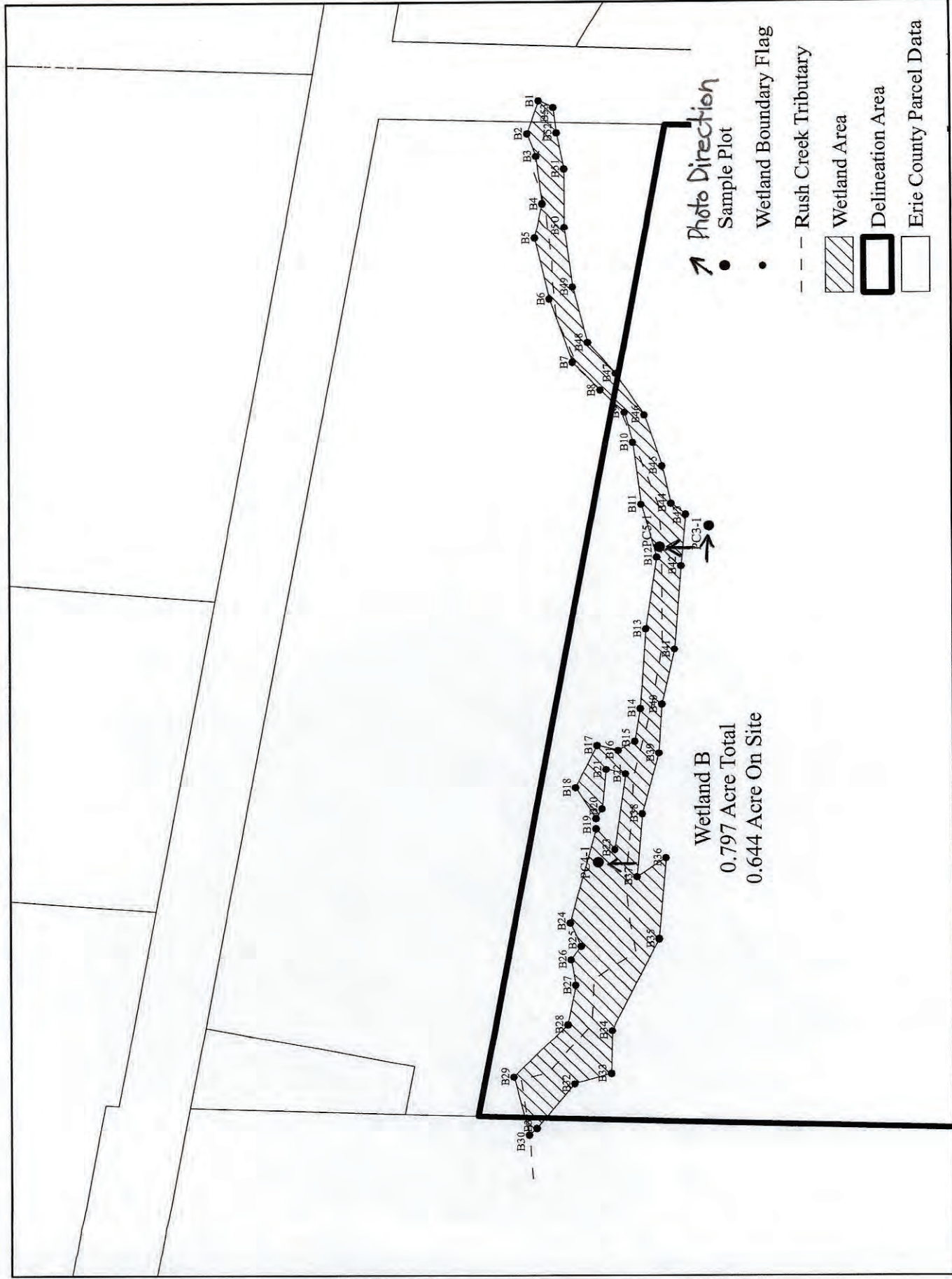
U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands\_team@fws.gov



# Wetland Boundary and Photo Direction Map - Parker Rd. Hamburg NY



# Wetland Boundary and Photo Direction Map - Parker Rd. Hamburg NY



GPS points are approximate  
Mapped by Dylan Krull 9/26/2020





# Erie County On-Line Mapping Application - FEMA Floodplain



0 0.24 0.5 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**ERIE COUNTY**  
**DEPARTMENT OF ENVIRONMENT & PLANNING**  
**OFFICE OF GIS**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



## Legend

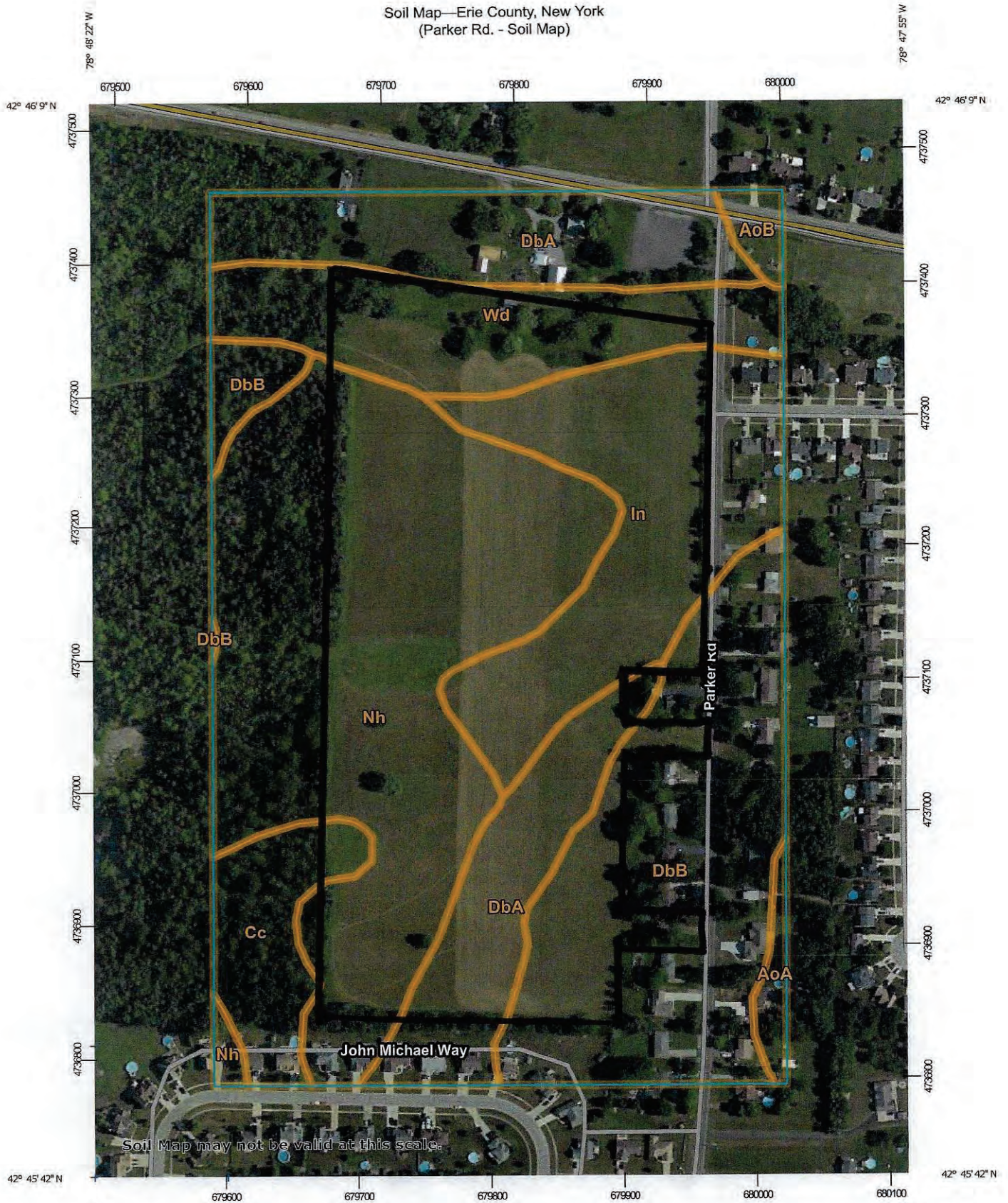
- Parcels
- Streets and Highways
  - Interstate
  - Primary State Road
  - Secondary State Road
  - County Road
  - Local Road
- Flowline - Large Scale
  - Perennial
  - Intermittent
  - Ephemeral
  - Artificial Path
  - Canal Ditch
  - Coastline
  - Connector
  - Pipeline
  - Underground Conduit
- Area - Large Scale
  - Area of Complex Channels
  - Area to be Submerged
  - Bay/Inlet
  - Bridge
  - Canal/Ditch
  - Dam/Weir

1: 15,238



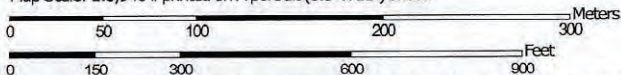


Soil Map—Erie County, New York  
(Parker Rd. - Soil Map)



Soil Map may not be valid at this scale.

Map Scale: 1:3,940 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84



Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey





































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5/2/2020  
Page 1 of 3



Soil Map—Erie County, New York  
(Parker Rd. - Soil Map)

## MAP LEGEND

<b>Area of Interest (AOI)</b>		Area of Interest (AOI)		Spoil Area
<b>Soils</b>		Soil Map Unit Polygons		Stony Spot
		Soil Map Unit Lines		Very Stony Spot
		Soil Map Unit Points		Wet Spot
<b>Special Point Features</b>				Other
		Blowout		Special Line Features
		Borrow Pit	<b>Water Features</b>	
		Clay Spot		Streams and Canals
		Closed Depression	<b>Transportation</b>	
		Gravel Pit		Rails
		Gravelly Spot		Interstate Highways
		Landfill		US Routes
		Lava Flow		Major Roads
		Marsh or swamp		Local Roads
		Mine or Quarry	<b>Background</b>	
		Miscellaneous Water		Aerial Photography
		Perennial Water		
		Rock Outcrop		
		Saline Spot		
		Sandy Spot		
		Severely Eroded Spot		
		Sinkhole		
		Slide or Slip		
		Sodic Spot		

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Erie County, New York  
Survey Area Data: Version 19, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 14, 2019—Jul 27, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Cc	Canandaigua silt loam	0.2	0.7%
DbA	Darien silt loam, 0 to 3 percent slopes	4.9	15.9%
DbB	Darien silt loam, 3 to 8 percent slopes	2.6	8.4%
In	Ilion silt loam	5.2	17.0%
Nh	Niagara silt loam, till substratum	13.6	44.5%
Wd	Wayland soils complex, 0 to 3 percent slopes, frequently flooded	4.1	13.5%
<b>Totals for Area of Interest</b>		<b>30.6</b>	<b>100.0%</b>

## Erie County, New York

### DbA—Darien silt loam, 0 to 3 percent slopes

#### Map Unit Setting

*National map unit symbol:* 9rld  
*Elevation:* 570 to 1,720 feet  
*Mean annual precipitation:* 36 to 48 inches  
*Mean annual air temperature:* 45 to 50 degrees F  
*Frost-free period:* 115 to 195 days  
*Farmland classification:* Prime farmland if drained

#### Map Unit Composition

*Darien and similar soils:* 75 percent  
*Minor components:* 25 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Darien

##### Setting

*Landform:* Drumlinoid ridges, hills, till plains  
*Landform position (two-dimensional):* Footslope, summit  
*Landform position (three-dimensional):* Base slope  
*Down-slope shape:* Concave  
*Across-slope shape:* Linear  
*Parent material:* Loamy till derived predominantly from calcareous gray shale

##### Typical profile

*H1 - 0 to 13 inches:* silt loam  
*H2 - 13 to 34 inches:* silty clay loam  
*H3 - 34 to 60 inches:* channery silty clay loam

##### Properties and qualities

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Somewhat poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)  
*Depth to water table:* About 6 to 12 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 15 percent  
*Available water capacity:* Moderate (about 7.6 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 3w  
*Hydrologic Soil Group:* C/D  
*Ecological site:* F101XY013NY - Moist Till  
*Hydric soil rating:* No



### Minor Components

#### Erie

*Percent of map unit: 5 percent*

*Hydric soil rating: No*

#### Angola

*Percent of map unit: 5 percent*

*Hydric soil rating: No*

#### Ilion

*Percent of map unit: 5 percent*

*Landform: Depressions*

*Hydric soil rating: Yes*

#### Danley

*Percent of map unit: 5 percent*

*Hydric soil rating: No*

#### Derb

*Percent of map unit: 5 percent*

*Hydric soil rating: No*

### Data Source Information

Soil Survey Area: Erie County, New York

Survey Area Data: Version 20, Jun 11, 2020

## Erie County, New York

### Nh—Niagara silt loam, till substratum

#### Map Unit Setting

*National map unit symbol:* 9rnt  
*Elevation:* 570 to 1,530 feet  
*Mean annual precipitation:* 36 to 48 inches  
*Mean annual air temperature:* 45 to 50 degrees F  
*Frost-free period:* 115 to 195 days  
*Farmland classification:* Prime farmland if drained

#### Map Unit Composition

*Niagara, till substratum, and similar soils:* 75 percent  
*Minor components:* 25 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Niagara, Till Substratum

##### Setting

*Landform:* Lake plains  
*Landform position (two-dimensional):* Footslope  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Concave  
*Across-slope shape:* Linear  
*Parent material:* Silty and clayey glaciolacustrine deposits

##### Typical profile

*H1 - 0 to 12 inches:* silt loam  
*H2 - 12 to 26 inches:* silt loam  
*H3 - 26 to 40 inches:* silt loam  
*H4 - 40 to 60 inches:* channery silty clay loam

##### Properties and qualities

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Somewhat poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)  
*Depth to water table:* About 6 to 18 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 15 percent  
*Available water capacity:* High (about 9.6 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 3w  
*Hydrologic Soil Group:* C/D  
*Ecological site:* F101XY009NY - Moist Lake Plain  
*Hydric soil rating:* No



### Minor Components

#### Canandaigua

*Percent of map unit:* 5 percent

*Landform:* Depressions

*Hydric soil rating:* Yes

#### Raynham

*Percent of map unit:* 5 percent

*Hydric soil rating:* No

#### Collamer

*Percent of map unit:* 5 percent

*Hydric soil rating:* No

#### Unnamed soils

*Percent of map unit:* 5 percent

*Hydric soil rating:* No

#### Odessa

*Percent of map unit:* 5 percent

*Hydric soil rating:* No

## Data Source Information

Soil Survey Area: Erie County, New York

Survey Area Data: Version 20, Jun 11, 2020

## Erie County, New York

### In—Ilion silt loam

#### Map Unit Setting

*National map unit symbol:* 9rmm

*Elevation:* 600 to 1,800 feet

*Mean annual precipitation:* 36 to 48 inches

*Mean annual air temperature:* 45 to 50 degrees F

*Frost-free period:* 115 to 195 days

*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Ilion and similar soils:* 80 percent

*Minor components:* 20 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Ilion

##### Setting

*Landform:* Depressions

*Landform position (two-dimensional):* Toeslope

*Landform position (three-dimensional):* Base slope

*Down-slope shape:* Concave

*Across-slope shape:* Concave

*Parent material:* Loamy till derived from calcareous dark shale

##### Typical profile

*H1 - 0 to 9 inches:* silt loam

*H2 - 9 to 13 inches:* silty clay loam

*H3 - 13 to 29 inches:* silty clay loam

*H4 - 29 to 60 inches:* channery silty clay loam

##### Properties and qualities

*Slope:* 0 to 3 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Poorly drained

*Capacity of the most limiting layer to transmit water*

*(Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)

*Depth to water table:* About 0 to 12 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 15 percent

*Available water capacity:* Moderate (about 7.9 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 4w

*Hydrologic Soil Group:* C/D

*Ecological site:* F101XY014NY - Wet Till Depression

*Hydric soil rating:* Yes

### Minor Components

#### Appleton

*Percent of map unit:* 5 percent

*Hydric soil rating:* No

#### Lyons

*Percent of map unit:* 5 percent

*Landform:* Depressions

*Hydric soil rating:* Yes

#### Canandaigua

*Percent of map unit:* 5 percent

*Landform:* Depressions

*Hydric soil rating:* Yes

#### Darien

*Percent of map unit:* 5 percent

*Hydric soil rating:* No

### Data Source Information

Soil Survey Area: Erie County, New York

Survey Area Data: Version 20, Jun 11, 2020



## Erie County, New York

### Cc—Canandaigua silt loam

#### Map Unit Setting

*National map unit symbol:* 9rkd

*Elevation:* 100 to 1,000 feet

*Mean annual precipitation:* 36 to 48 inches

*Mean annual air temperature:* 45 to 50 degrees F

*Frost-free period:* 115 to 195 days

*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Canandaigua and similar soils:* 75 percent

*Minor components:* 25 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Canandaigua

##### Setting

*Landform:* Depressions

*Landform position (two-dimensional):* Toeslope

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Concave

*Across-slope shape:* Concave

*Parent material:* Silty and clayey glaciolacustrine deposits

##### Typical profile

*H1 - 0 to 9 inches:* silt loam

*H2 - 9 to 37 inches:* silt loam

*H3 - 37 to 60 inches:* silt loam

##### Properties and qualities

*Slope:* 0 to 3 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Poorly drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high (0.20 to 0.57 in/hr)

*Depth to water table:* About 0 to 12 inches

*Frequency of flooding:* None

*Frequency of ponding:* Frequent

*Calcium carbonate, maximum content:* 15 percent

*Available water capacity:* High (about 12.0 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 3w

*Hydrologic Soil Group:* C/D

*Ecological site:* F101XY010NY - Wet Lake Plain Depression

*Hydric soil rating:* Yes



### Minor Components

#### Lamson

*Percent of map unit:* 5 percent

*Landform:* Depressions

*Hydric soil rating:* Yes

#### Canadice

*Percent of map unit:* 5 percent

*Landform:* Depressions

*Hydric soil rating:* Yes

#### Lyons

*Percent of map unit:* 5 percent

*Landform:* Depressions

*Hydric soil rating:* Yes

#### Niagara

*Percent of map unit:* 5 percent

*Hydric soil rating:* No

#### Lakemont

*Percent of map unit:* 5 percent

*Landform:* Depressions

*Hydric soil rating:* Yes

## Data Source Information

Soil Survey Area: Erie County, New York

Survey Area Data: Version 20, Jun 11, 2020

## Erie County, New York

### Wd—Wayland soils complex, 0 to 3 percent slopes, frequently flooded

#### Map Unit Setting

*National map unit symbol:* 2srgv  
*Elevation:* 160 to 1,970 feet  
*Mean annual precipitation:* 31 to 68 inches  
*Mean annual air temperature:* 43 to 52 degrees F  
*Frost-free period:* 105 to 180 days  
*Farmland classification:* Not prime farmland

#### Map Unit Composition

*Wayland and similar soils:* 60 percent  
*Wayland, very poorly drained, and similar soils:* 30 percent  
*Minor components:* 10 percent  
*Estimates are based on observations, descriptions, and transects of  
the mapunit.*

#### Description of Wayland

##### Setting

*Landform:* Flood plains  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Silty and clayey alluvium derived from interbedded  
sedimentary rock

##### Typical profile

*A - 0 to 6 inches:* silt loam  
*Bg1 - 6 to 12 inches:* silt loam  
*Bg2 - 12 to 18 inches:* silt loam  
*C1 - 18 to 46 inches:* silt loam  
*C2 - 46 to 72 inches:* silty clay loam

##### Properties and qualities

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Poorly drained  
*Capacity of the most limiting layer to transmit water  
(Ksat):* Moderately low to high (0.14 to 14.17 in/hr)  
*Depth to water table:* About 0 to 6 inches  
*Frequency of flooding:* FrequentNone  
*Frequency of ponding:* None  
*Calcium carbonate, maximum content:* 15 percent  
*Maximum salinity:* Nonsaline (0.0 to 1.9 mmhos/cm)  
*Available water capacity:* Very high (about 12.6 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified



*Land capability classification (nonirrigated):* 5w  
*Hydrologic Soil Group:* B/D  
*Ecological site:* F139XY009OH - Wet Floodplain  
*Hydric soil rating:* Yes

### **Description of Wayland, Very Poorly Drained**

#### **Setting**

*Landform:* Flood plains  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Concave  
*Across-slope shape:* Concave  
*Parent material:* Silty and clayey alluvium derived from interbedded  
sedimentary rock

#### **Typical profile**

*A - 0 to 6 inches:* mucky silt loam  
*Bg1 - 6 to 12 inches:* silt loam  
*Bg2 - 12 to 18 inches:* silt loam  
*C1 - 18 to 46 inches:* silt loam  
*C2 - 46 to 72 inches:* silty clay loam

#### **Properties and qualities**

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Very poorly drained  
*Capacity of the most limiting layer to transmit water*  
*(Ksat):* Moderately low to high (0.14 to 14.17 in/hr)  
*Depth to water table:* About 0 inches  
*Frequency of flooding:* FrequentNone  
*Frequency of ponding:* Frequent  
*Calcium carbonate, maximum content:* 15 percent  
*Maximum salinity:* Nonsaline (0.0 to 1.9 mmhos/cm)  
*Available water capacity:* Very high (about 12.8 inches)

#### **Interpretive groups**

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 5w  
*Hydrologic Soil Group:* B/D  
*Ecological site:* F139XY009OH - Wet Floodplain  
*Hydric soil rating:* Yes

### **Minor Components**

#### **Wakeville**

*Percent of map unit:* 10 percent  
*Landform:* Flood plains  
*Landform position (two-dimensional):* Footslope  
*Landform position (three-dimensional):* Talf  
*Down-slope shape:* Concave  
*Across-slope shape:* Linear

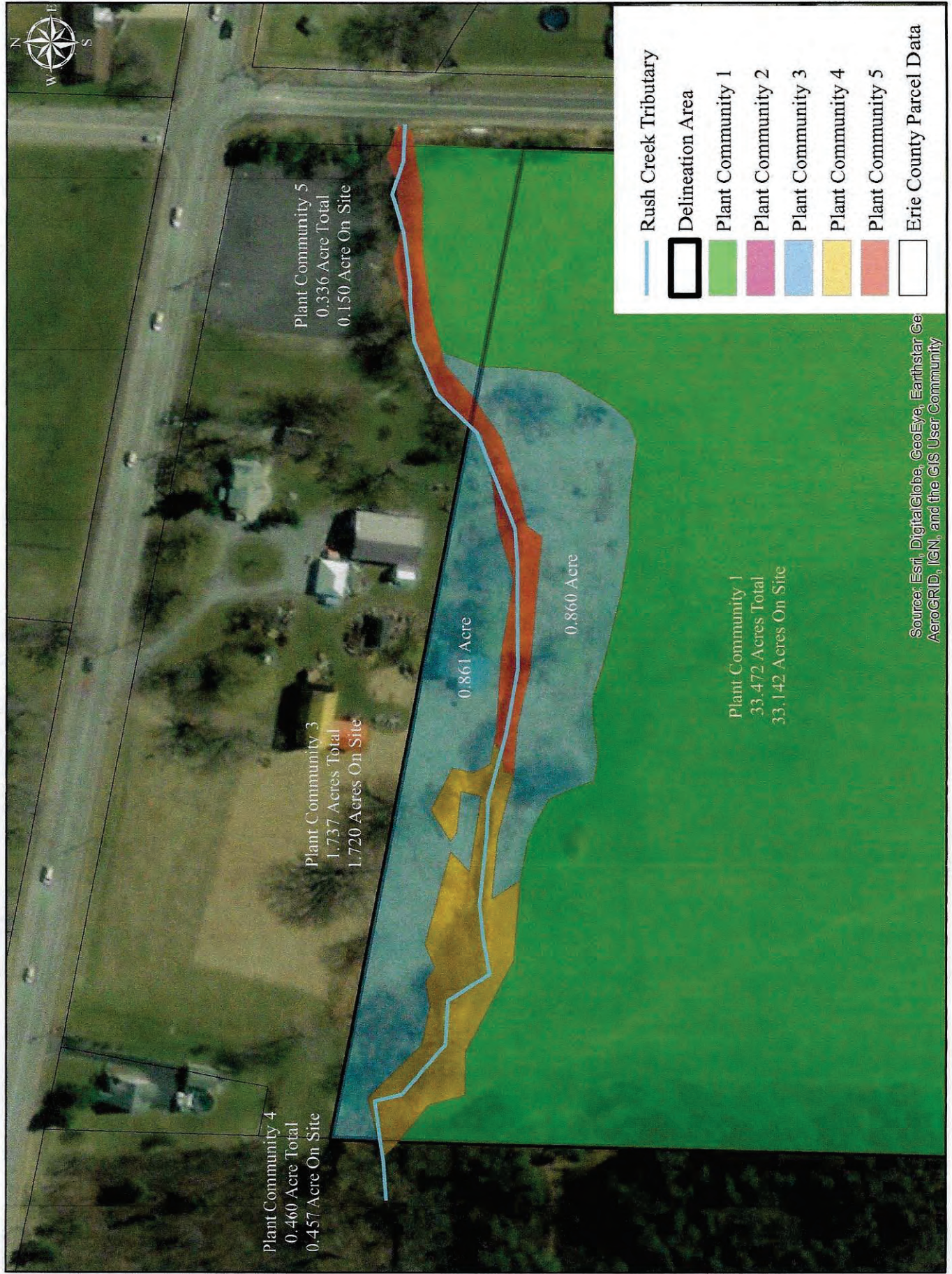


# Plant Community Map - Parker Rd. Hamburg NY





# Plant Community Map - Parker Rd. Hamburg NY



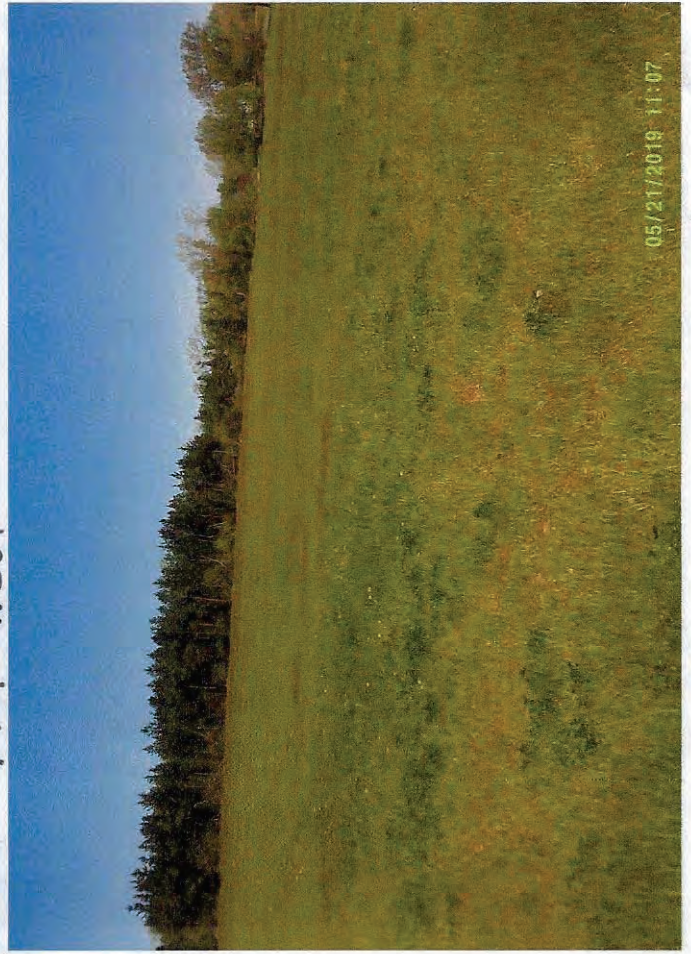




T1-1 West



T1-3 West



P1 - West, view of north end of field



T1-2 North





05/21/2019 00:29

T2-2 West



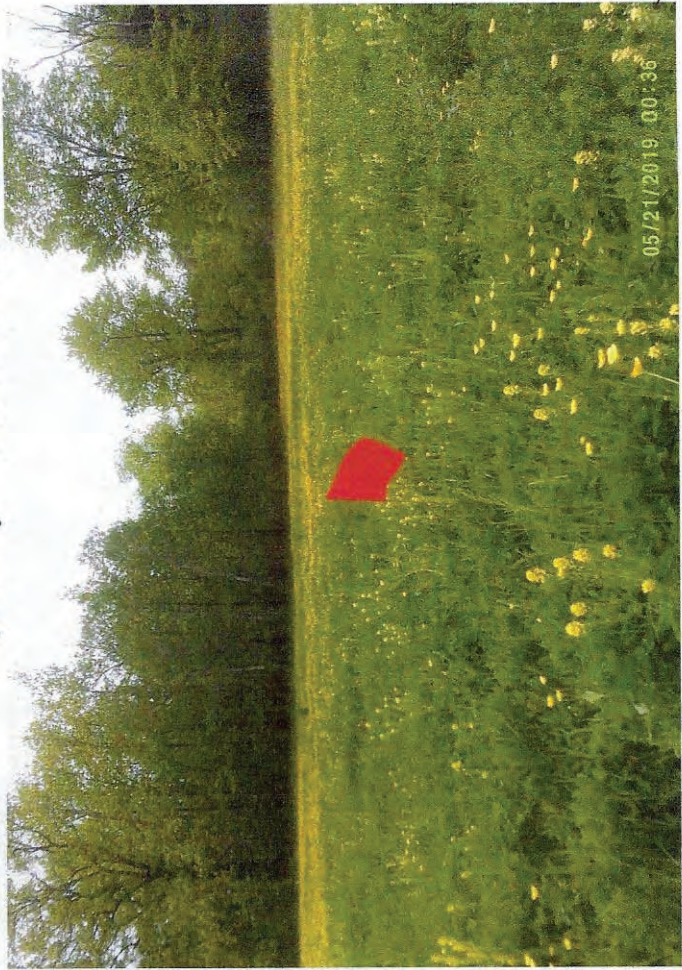
05/21/2019 00:48

T2-4 Southwest



05/21/2019 00:00

T2-1 East



05/21/2019 00:36

T2-3 West





A3 - North



T3-1 North



A2 - Southwest



A1 - Southwest





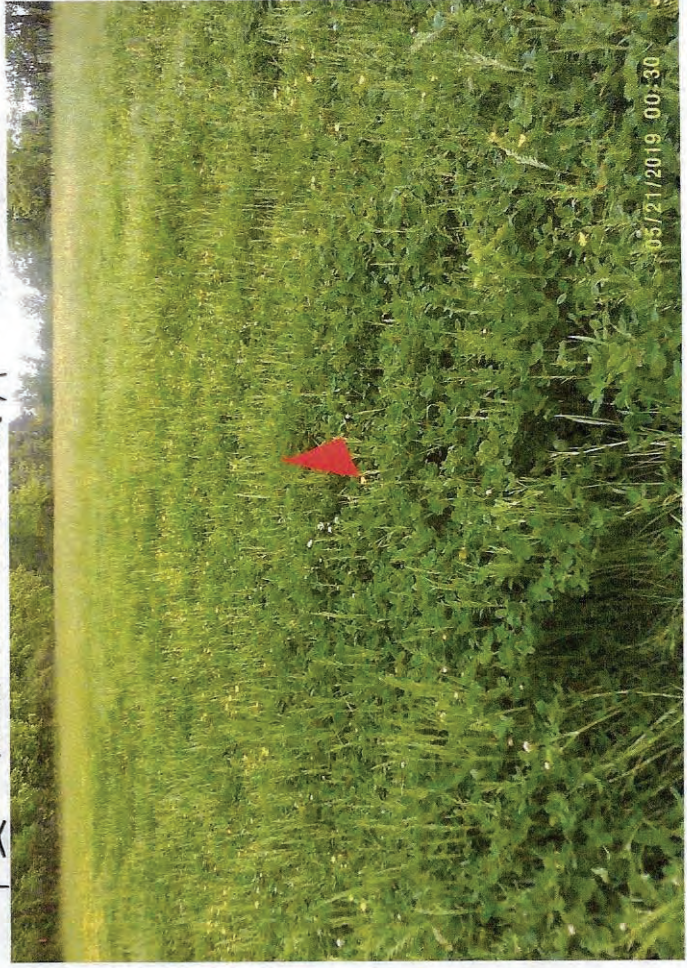
T3-3 West



P2 View of Wetland A - Northwest



T3-2 Southwest



T3A-1 North





PC3-1 East 38





09/19/2016 06:16:50

PC4-1 North 39





PC5-1 North, creek bed 40



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/21/20  
 Applicant/Owner: David Manko State: NY Sampling Point: T1-1  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): none Slope (%): 1-2%  
 Subregion (LRR or MLRA): L101 Lat: N42° 46' 00.08" Long: W78° 48' 04.27" Datum: WGS84  
 Soil Map Unit Name: Illion silt loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>
Water Table Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	
Saturation Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



Sampling Point: TL-1

Northcentral and Northeast Region – Version 2.0







# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/21/20  
 Applicant/Owner: David Manko State: NY Sampling Point: T1-2  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): slightly concave Slope (%): <1  
 Subregion (LRR or MLRA): L101 Lat: 42°46'00.23" Long: W78°48'07.98" Datum: WGS84  
 Soil Map Unit Name: Niagara silt loam till substratum NWI classification: \_\_\_\_\_  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <u>X</u>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <u>X</u>
Water Table Present? Yes _____ No <u>X</u>	Depth (inches): _____	
Saturation Present? Yes _____ No <u>X</u>	Depth (inches): _____	
(includes capillary fringe)		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

Sampling Point: T1-2

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Sapling/Shrub Stratum (Plot size: <u>15'</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Herb Stratum (Plot size: <u>5'</u>)</b>				
1. <u>Dactylis glomerata</u>	<u>27</u>	<u>X</u>	<u>FACU</u>	
2. <u>Phleum pratense</u>	<u>34</u>	<u>X</u>	<u>FACU</u>	
3. <u>Anthoxanthum odoratum</u>	<u>23</u>	<u>X</u>	<u>FACU</u>	
4. <u>Barbarea vulgaris</u>	<u>5</u>		<u>FAC</u>	
5. <u>Cerastium fontanum</u>	<u>6</u>		<u>FACU</u>	
6. <u>Trifolium pratense</u>	<u>4</u>		<u>FACU</u>	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
		<u>99</u> = Total Cover		
<b>Woody Vine Stratum (Plot size: <u>30</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
		<u>0</u> = Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = \_\_\_\_\_

**Hydrophytic Vegetation Indicators:**

☐ 1 - Rapid Test for Hydrophytic Vegetation

☐ 2 - Dominance Test is >50%

☐ 3 - Prevalence Index is ≤3.0<sup>1</sup>

☐ 4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No X

Remarks: (Include photo numbers here or on a separate sheet.)



Sampling Point: T1-2

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B) | <input type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B)       |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)       | <input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)     |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)             | <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)  |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                        | <input type="checkbox"/> Dark Surface (S7) (LRR K, L, M)             |
| <input type="checkbox"/> Stratified Layers (A5)               | <input type="checkbox"/> Depleted Matrix (F3)                            | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)     |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input type="checkbox"/> Redox Dark Surface (F6)                         | <input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)           |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Depleted Dark Surface (F7)                      | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)   |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Redox Depressions (F8)                          | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             |  | <input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)   |
| <input type="checkbox"/> Sandy Redox (S5)                     |  | <input type="checkbox"/> Red Parent Material (F21)                   |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  | <input type="checkbox"/> Very Shallow Dark Surface (TF12)            |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  | <input type="checkbox"/> Other (Explain in Remarks)                  |

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Hydric Soil Present? Yes \_\_\_\_\_ No X

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/21/20  
 Applicant/Owner: David Manko State: NY Sampling Point: T1-3  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_

Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): \_\_\_\_\_ Slope (%): \_\_\_\_\_  
 Subregion (LRR or MLRA): L101 Lat: N42°46'00.34" Long: W78°48'11.65" Datum: WGS84  
 Soil Map Unit Name: Niagara silt loam till substratum NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <u>X</u>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <u>X</u>
Water Table Present? Yes _____ No <u>X</u>	Depth (inches): _____	
Saturation Present? Yes _____ No <u>X</u>	Depth (inches): _____	
(includes capillary fringe)		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

Sampling Point: T1-3

Tree Stratum (Plot size: <u>30</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Sapling/Shrub Stratum</b> (Plot size: <u>15</u> )				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Herb Stratum</b> (Plot size: <u>5'</u> )				
1. <u>Antoxanthum odoratum</u>	<u>38</u>	<u>X</u>	<u>FACU</u>	
2. <u>Dactylis glomerata</u>	<u>17</u>		<u>FACU</u>	
3. <u>Ranunculus hispidus</u>	<u>23</u>	<u>X</u>	<u>FAC</u>	
4. <u>Phleum pratense</u>	<u>25</u>	<u>X</u>	<u>FACU</u>	
5. <u>Daucus carota</u>	<u>3</u>		<u>UPL</u>	
6. <u>Trifolium pratense</u>	<u>3</u>		<u>FACU</u>	
7. <u>Vicia tetrasperma</u>	<u>5</u>		<u>UPL</u>	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
		<u>114</u> = Total Cover		
<b>Woody Vine Stratum</b> (Plot size: <u>30</u> )				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
		<u>0</u> = Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33 (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = \_\_\_\_\_

**Hydrophytic Vegetation Indicators:**

☐ 1 - Rapid Test for Hydrophytic Vegetation

☐ 2 - Dominance Test is >50%

☐ 3 - Prevalence Index is ≤3.0<sup>1</sup>

☐ 4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No X

Remarks: (Include photo numbers here or on a separate sheet.)



## SOIL

Sampling Point: T1-3

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

[illegible]<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Hydric Soil Indicators:

- |   |  |
|---|--|
| <input type="checkbox"/> Histosol (A1)                                | <input type="checkbox"/> Polyvalue Below Surface (S8) ( <b>LRR R,</b>      |
| <input type="checkbox"/> Histic Epipedon (A2)                         | <b>MLRA 149B)</b>  |
| <input type="checkbox"/> Black Histic (A3)                            | <input type="checkbox"/> Thin Dark Surface (S9) ( <b>LRR R, MLRA 149B)</b> |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                        | <input type="checkbox"/> Loamy Mucky Mineral (F1) ( <b>LRR K, L)</b>       |
| <input type="checkbox"/> Stratified Layers (A5)                       | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                          |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)            | <input type="checkbox"/> Depleted Matrix (F3)                              |
| <input type="checkbox"/> Thick Dark Surface (A12)                     | <input type="checkbox"/> Redox Dark Surface (F6)                           |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)                     | <input type="checkbox"/> Depleted Dark Surface (F7)                        |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)                     | <input type="checkbox"/> Redox Depressions (F8)                            |
| <input type="checkbox"/> Sandy Redox (S5)                             |  |
| <input type="checkbox"/> Stripped Matrix (S6)                         |  |
| <input type="checkbox"/> Dark Surface (S7) ( <b>LRR R, MLRA 149B)</b> |  |

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)  
☐ Coast Prairie Redox (A16) (**LRR K, L, R**)  
☐ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)  
☐ Dark Surface (S7) (**LRR K, L, M**)  
☐ Polyvalue Below Surface (S8) (**LRR K, L**)  
☐ Thin Dark Surface (S9) (**LRR K, L**)  
☐ Iron-Manganese Masses (F12) (**LRR K, L, R**)  
☐ Piedmont Floodplain Soils (F19) (**MLRA 149B**)  
☐ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)  
☐ Red Parent Material (F21)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes \_\_\_\_\_ No ☒

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/27/20  
 Applicant/Owner: David Manko State: NY Sampling Point: T2-1  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): none Slope (%): 2-3  
 Subregion (LRR or MLRA): L101 Lat: N42°45'36" Long: W78°48'05.65" Datum: WGS84  
 Soil Map Unit Name: Darien silt loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes _____ No <input checked="" type="checkbox"/>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	
Water Table Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____		
Saturation Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ (includes capillary fringe)		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

Sampling Point: T2-1

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
				<u>0</u> = Total Cover
<b>Sapling/Shrub Stratum (Plot size: <u>15'</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
				<u>0</u> = Total Cover
<b>Herb Stratum (Plot size: <u>5'</u>)</b>				
1. <u>Anthoxanthum odoratum</u>	<u>25</u>	<u>y</u>	<u>FACU</u>	
2. <u>Trifolium pratense</u>	<u>28</u>	<u>y</u>	<u>FACU</u>	
3. <u>Festuca pratensis</u>	<u>17</u>		<u>UPL</u>	
4. <u>Dactylis glomerata</u>	<u>22</u>	<u>y</u>	<u>FACU</u>	
5. <u>Barbarea vulgaris</u>	<u>1</u>		<u>EAC</u>	
6. <u>Poa pratensis</u>	<u>11</u>		<u>FACU</u>	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
				<u>104</u> = Total Cover
<b>Woody Vine Stratum (Plot size: <u>30'</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
				<u>0</u> = Total Cover
<b>Remarks:</b> (Include photo numbers here or on a separate sheet.)				

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = \_\_\_\_\_

**Hydrophytic Vegetation Indicators:**

☐ 1 - Rapid Test for Hydrophytic Vegetation

☐ 2 - Dominance Test is >50%

☐ 3 - Prevalence Index is ≤3.0<sup>1</sup>

☐ 4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No X



T

T2-1

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

[illegible]<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Hydric Soil Indicators:

- |   |  |
|---|--|
| <input type="checkbox"/> Histosol (A1)                                | <input type="checkbox"/> Polyvalue Below Surface (S8) ( <b>LRR R,</b>      |
| <input type="checkbox"/> Histic Epipedon (A2)                         | <b>MLRA 149B)</b>  |
| <input type="checkbox"/> Black Histic (A3)                            | <input type="checkbox"/> Thin Dark Surface (S9) ( <b>LRR R, MLRA 149B)</b> |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                        | <input type="checkbox"/> Loamy Mucky Mineral (F1) ( <b>LRR K, L)</b>       |
| <input type="checkbox"/> Stratified Layers (A5)                       | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                          |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)            | <input type="checkbox"/> Depleted Matrix (F3)                              |
| <input type="checkbox"/> Thick Dark Surface (A12)                     | <input type="checkbox"/> Redox Dark Surface (F6)                           |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)                     | <input type="checkbox"/> Depleted Dark Surface (F7)                        |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)                     | <input type="checkbox"/> Redox Depressions (F8)                            |
| <input type="checkbox"/> Sandy Redox (S5)                             |  |
| <input type="checkbox"/> Stripped Matrix (S6)                         |  |
| <input type="checkbox"/> Dark Surface (S7) ( <b>LRR R, MLRA 149B)</b> |  |

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)  
☐ Coast Prairie Redox (A16) (**LRR K, L, R**)  
☐ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)  
☐ Dark Surface (S7) (**LRR K, L, M**)  
☐ Polyvalue Below Surface (S8) (**LRR K, L**)  
☐ Thin Dark Surface (S9) (**LRR K, L**)  
☐ Iron-Manganese Masses (F12) (**LRR K, L, R**)  
☐ Piedmont Floodplain Soils (F19) (**MLRA 149B**)  
☐ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)  
☐ Red Parent Material (F21)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes \_\_\_\_\_ No ☒

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/27/20  
 Applicant/Owner: David Manko State: NY Sampling Point: T2-2  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): none Slope (%): 1-2  
 Subregion (LRR or MLRA): L101 Lat: N42°45'55.60" Long: W78°48'09.46" Datum: WGS84  
 Soil Map Unit Name: Darien silt loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <u>X</u>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <u>X</u>
Water Table Present? Yes _____ No <u>X</u>	Depth (inches): _____	
Saturation Present? Yes _____ No <u>X</u>	Depth (inches): _____	
(includes capillary fringe)		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

Sampling Point: T2-2

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A)  Total Number of Dominant Species Across All Strata: <u>2</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0%</u> (A/B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
<u>0</u> = Total Cover				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B)  Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>15'</u> )				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
<u>0</u> = Total Cover				<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
Herb Stratum (Plot size: <u>5'</u> )				
1. <u>Trifolium pratense</u>	<u>34</u>	<u>y</u>	<u>FACU</u>	
2. <u>Anthoxanthum odoratum</u>	<u>23</u>	<u>y</u>	<u>FACU</u>	
3. <u>Festuca pratensis</u>	<u>19</u>		<u>UPL</u>	
4. <u>Phleum pratense</u>	<u>12</u>		<u>FACU</u>	
5. <u>Ranunculus acris</u>	<u>5</u>		<u>FAC</u>	
6. <u>Vicia tetrasperma</u>	<u>3</u>		<u>UPL</u>	
7. <u>Poa pratensis</u>	<u>9</u>		<u>FACU</u>	<b>Definitions of Vegetation Strata:</b>  <b>Tree</b> – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/shrub</b> – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vines</b> – All woody vines greater than 3.28 ft in height.
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
<u>105</u> = Total Cover				
Woody Vine Stratum (Plot size: <u>30'</u> )				<b>Hydrophytic Vegetation Present?</b> Yes _____ No <u>X</u>
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
<u>0</u> = Total Cover				
Remarks: (Include photo numbers here or on a separate sheet.)				



Sampling Point: T2-2

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B) | <input type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B)       |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)       | <input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)     |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)             | <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)  |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                        | <input type="checkbox"/> Dark Surface (S7) (LRR K, L, M)             |
| <input type="checkbox"/> Stratified Layers (A5)               | <input type="checkbox"/> Depleted Matrix (F3)                            | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)     |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input type="checkbox"/> Redox Dark Surface (F6)                         | <input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)           |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Depleted Dark Surface (F7)                      | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)   |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Redox Depressions (F8)                          | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             |  | <input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)   |
| <input type="checkbox"/> Sandy Redox (S5)                     |  | <input type="checkbox"/> Red Parent Material (F21)                   |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  | <input type="checkbox"/> Very Shallow Dark Surface (TF12)            |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  | <input type="checkbox"/> Other (Explain in Remarks)                  |

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Hydric Soil Present? Yes \_\_\_\_\_ No X

Type: \_\_\_\_\_  
Depth (inches): \_\_\_\_\_

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/27/20  
 Applicant/Owner: David Manko State: NY Sampling Point: T2-3  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): none Slope (%): 41  
 Subregion (LRR or MLRA): L101 Lat: N42°45'55.57" Long: W78°48'12.38" Datum: WGS84  
 Soil Map Unit Name: Niagara silt loam till substratum NWI classification: \_\_\_\_\_  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <u>X</u>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <u>X</u>
Water Table Present? Yes _____ No <u>X</u>	Depth (inches): _____	
Saturation Present? Yes <u>X</u> No _____	Depth (inches): <u>17"</u>	
(includes capillary fringe)		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

Sampling Point: T2-3

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A)  Total Number of Dominant Species Across All Strata: <u>2</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0%</u> (A/B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
<u>0</u> = Total Cover				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B)  Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>15'</u> )				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
<u>0</u> = Total Cover				
Herb Stratum (Plot size: <u>5'</u> )				<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Trifolium hybridum</u>	<u>67</u>	<u>y</u>	<u>FACU</u>	
2. <u>Poa pratensis</u>	<u>23</u>	<u>y</u>	<u>FACU</u>	
3. <u>Ranunculus hispidus</u>	<u>11</u>		<u>FAC</u>	
4. <u>Barbarea vulgaris</u>	<u>3</u>		<u>FAC</u>	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
<u>104</u> = Total Cover				
Woody Vine Stratum (Plot size: <u>30'</u> )				<b>Definitions of Vegetation Strata:</b>  <b>Tree</b> – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/shrub</b> – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vines</b> – All woody vines greater than 3.28 ft in height.   <b>Hydrophytic Vegetation Present?</b> Yes _____ No <u>X</u>
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
<u>0</u> = Total Cover				
Remarks: (Include photo numbers here or on a separate sheet.)				



## SOIL

Sampling Point: T2-3

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

[illegible]

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Hydric Soil Indicators:

- |   |  |
|---|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R,      |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <b>MLRA 149B)</b>  |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B) |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)       |
| <input type="checkbox"/> Stratified Layers (A5)               | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                  |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input type="checkbox"/> Depleted Matrix (F3)                      |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Redox Dark Surface (F6)                   |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Depleted Dark Surface (F7)                |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             | <input type="checkbox"/> Redox Depressions (F8)                    |
| <input type="checkbox"/> Sandy Redox (S5)                     |  |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  |

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)  
☐ Coast Prairie Redox (A16) (**LRR K, L, R**)  
☐ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)  
☐ Dark Surface (S7) (**LRR K, L, M**)  
☐ Polyvalue Below Surface (S8) (**LRR K, L**)  
☐ Thin Dark Surface (S9) (**LRR K, L**)  
☐ Iron-Manganese Masses (F12) (**LRR K, L, R**)  
☐ Piedmont Floodplain Soils (F19) (**MLRA 149B**)  
☐ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)  
☐ Red Parent Material (F21)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

**Hydric Soil Present?** Yes \_\_\_\_\_ No \_\_\_\_\_

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/29/20  
 Applicant/Owner: David Manko State: NY Sampling Point: T2-4  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): slightly concave Slope (%): <1  
 Subregion (LRR or MLRA): L101 Lat: N42°45'55.61" Long: W78°48'13.77" Datum: WGS84  
 Soil Map Unit Name: Canandaigua silt loam NWI classification: PEM4/5c  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____
Hydric Soil Present? Yes <u>X</u> No _____	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes <u>X</u> No _____	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<u>X</u> Surface Water (A1)	<u>X</u> Water-Stained Leaves (B9)	____ Surface Soil Cracks (B6)
<u>X</u> High Water Table (A2)	____ Aquatic Fauna (B13)	____ Drainage Patterns (B10)
<u>X</u> Saturation (A3)	____ Marl Deposits (B15)	____ Moss Trim Lines (B16)
____ Water Marks (B1)	____ Hydrogen Sulfide Odor (C1)	____ Dry-Season Water Table (C2)
____ Sediment Deposits (B2)	____ Oxidized Rhizospheres on Living Roots (C3)	____ Crayfish Burrows (C8)
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____ Inundation Visible on Aerial Imagery (B7)	____ Other (Explain in Remarks)	____ Shallow Aquitard (D3)
____ Sparsely Vegetated Concave Surface (B8)		____ Microtopographic Relief (D4)
		____ FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes <u>X</u> No <u>X</u>	Depth (inches): _____	
Water Table Present? Yes <u>X</u> No _____	Depth (inches): <u>3"</u>	
Saturation Present? Yes <u>X</u> No _____	Depth (inches): <u>@ surface</u>	
(includes capillary fringe)		Wetland Hydrology Present? Yes <u>X</u> No _____
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

 Sampling Point: T2-4

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status															
1. _____	_____	_____	_____															
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
				<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>1</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)														
				<b>Prevalence Index worksheet:</b> <table style="width: 100%;"> <tr> <th>Total % Cover of:</th> <th>Multiply by:</th> </tr> <tr> <td>OBL species _____</td> <td>x 1 = _____</td> </tr> <tr> <td>FACW species _____</td> <td>x 2 = _____</td> </tr> <tr> <td>FAC species _____</td> <td>x 3 = _____</td> </tr> <tr> <td>FACU species _____</td> <td>x 4 = _____</td> </tr> <tr> <td>UPL species _____</td> <td>x 5 = _____</td> </tr> <tr> <td>Column Totals: _____</td> <td>(A) _____ (B) _____</td> </tr> </table> Prevalence Index = B/A = _____	Total % Cover of:	Multiply by:	OBL species _____	x 1 = _____	FACW species _____	x 2 = _____	FAC species _____	x 3 = _____	FACU species _____	x 4 = _____	UPL species _____	x 5 = _____	Column Totals: _____	(A) _____ (B) _____
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				<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No														
<b>Remarks:</b> (Include photo numbers here or on a separate sheet.)																		

Sapling/Shrub Stratum (Plot size: <u>15'</u> )	Absolute % Cover	Dominant Species?	Indicator Status																																																																										
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Sampling Point: T2-4

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B) | <input type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B)       |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)       | <input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)     |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)             | <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)  |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                        | <input type="checkbox"/> Dark Surface (S7) (LRR K, L, M)             |
| <input type="checkbox"/> Stratified Layers (A5)               | <input checked="" type="checkbox"/> Depleted Matrix (F3)                 | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)     |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input type="checkbox"/> Redox Dark Surface (F6)                         | <input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)           |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Depleted Dark Surface (F7)                      | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)   |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Redox Depressions (F8)                          | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             |  | <input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)   |
| <input type="checkbox"/> Sandy Redox (S5)                     |  | <input type="checkbox"/> Red Parent Material (F21)                   |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  | <input type="checkbox"/> Very Shallow Dark Surface (TF12)            |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  | <input type="checkbox"/> Other (Explain in Remarks)                  |

Restrictive Layer (if observed):

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes X No     

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/29/20  
 Applicant/Owner: David Manko State: NY Sampling Point: A1  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): slightly concave Slope (%): <1  
 Subregion (LRR or MLRA): L101 Lat: N42°45'55.38" Long: W78°48'13.45" Datum: WGS84  
 Soil Map Unit Name: Niagara silt loam, fill substratum NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <u>X</u>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <u>X</u>
Water Table Present? Yes _____ No <u>X</u>	Depth (inches): _____	
Saturation Present? Yes <u>X</u> No _____	Depth (inches): <u>14</u>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

Sampling Point: A1

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status															
1. _____	_____	_____	_____	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)  Total Number of Dominant Species Across All Strata: <u>3</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33%</u> (A/B)														
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
<u>0</u> = Total Cover				<b>Prevalence Index worksheet:</b> <table style="width: 100%;"> <tr> <td>Total % Cover of:</td> <td>Multiply by:</td> </tr> <tr> <td>OBL species _____</td> <td>x 1 = _____</td> </tr> <tr> <td>FACW species _____</td> <td>x 2 = _____</td> </tr> <tr> <td>FAC species _____</td> <td>x 3 = _____</td> </tr> <tr> <td>FACU species _____</td> <td>x 4 = _____</td> </tr> <tr> <td>UPL species _____</td> <td>x 5 = _____</td> </tr> <tr> <td>Column Totals: _____</td> <td>(A) _____ (B) _____</td> </tr> </table> Prevalence Index = B/A = _____	Total % Cover of:	Multiply by:	OBL species _____	x 1 = _____	FACW species _____	x 2 = _____	FAC species _____	x 3 = _____	FACU species _____	x 4 = _____	UPL species _____	x 5 = _____	Column Totals: _____	(A) _____ (B) _____
Total % Cover of:	Multiply by:																	
OBL species _____	x 1 = _____																	
FACW species _____	x 2 = _____																	
FAC species _____	x 3 = _____																	
FACU species _____	x 4 = _____																	
UPL species _____	x 5 = _____																	
Column Totals: _____	(A) _____ (B) _____																	
Sapling/Shrub Stratum (Plot size: <u>15'</u> )																		
1. _____	_____	_____	_____															
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
<u>0</u> = Total Cover																		
Herb Stratum (Plot size: <u>5'</u> )																		
1. <u>Trifolium hybridum</u>	<u>57</u>	<u>Y</u>	<u>FACU</u>	<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.														
2. <u>Ranunculus hispidus</u>	<u>26</u>	<u>Y</u>	<u>FAC</u>															
3. <u>Poa pratensis</u>	<u>22</u>	<u>Y</u>	<u>FACU</u>															
4. <u>Barbarea vulgaris</u>	<u>2</u>		<u>FAC</u>															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
8. _____	_____	_____	_____															
9. _____	_____	_____	_____															
10. _____	_____	_____	_____															
11. _____	_____	_____	_____															
12. _____	_____	_____	_____															
<u>107</u> = Total Cover																		
Woody Vine Stratum (Plot size: <u>30'</u> )																		
1. _____	_____	_____	_____															
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
<u>0</u> = Total Cover																		
Remarks: (Include photo numbers here or on a separate sheet.)																		



Sampling Point: A1

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Histosol (A1)                                 | <input type="checkbox"/> Polyvalue Below Surface (S8) ( <b>LRR R, MLRA 149B</b> ) | <input type="checkbox"/> 2 cm Muck (A10) ( <b>LRR K, L, MLRA 149B</b> )       |
| <input type="checkbox"/> Histic Epipedon (A2)                          | <input type="checkbox"/> <b>MLRA 149B</b> )                                       | <input type="checkbox"/> Coast Prairie Redox (A16) ( <b>LRR K, L, R</b> )     |
| <input type="checkbox"/> Black Histic (A3)                             | <input type="checkbox"/> Thin Dark Surface (S9) ( <b>LRR R, MLRA 149B</b> )       | <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) ( <b>LRR K, L, R</b> )  |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                         | <input type="checkbox"/> Loamy Mucky Mineral (F1) ( <b>LRR K, L</b> )             | <input type="checkbox"/> Dark Surface (S7) ( <b>LRR K, L, M</b> )             |
| <input type="checkbox"/> Stratified Layers (A5)                        | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                                 | <input type="checkbox"/> Polyvalue Below Surface (S8) ( <b>LRR K, L</b> )     |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)             | <input type="checkbox"/> Depleted Matrix (F3)                                     | <input type="checkbox"/> Thin Dark Surface (S9) ( <b>LRR K, L</b> )           |
| <input type="checkbox"/> Thick Dark Surface (A12)                      | <input type="checkbox"/> Redox Dark Surface (F6)                                  | <input type="checkbox"/> Iron-Manganese Masses (F12) ( <b>LRR K, L, R</b> )   |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)                      | <input type="checkbox"/> Depleted Dark Surface (F7)                               | <input type="checkbox"/> Piedmont Floodplain Soils (F19) ( <b>MLRA 149B</b> ) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)                      | <input type="checkbox"/> Redox Depressions (F8)                                   | <input type="checkbox"/> Mesic Spodic (TA6) ( <b>MLRA 144A, 145, 149B</b> )   |
| <input type="checkbox"/> Sandy Redox (S5)                              |   | <input type="checkbox"/> Red Parent Material (F21)                            |
| <input type="checkbox"/> Stripped Matrix (S6)                          |   | <input type="checkbox"/> Very Shallow Dark Surface (TF12)                     |
| <input type="checkbox"/> Dark Surface (S7) ( <b>LRR R, MLRA 149B</b> ) |   | <input type="checkbox"/> Other (Explain in Remarks)                           |

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Type: \_\_\_\_\_  
Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes \_\_\_\_\_ No X

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/29/20  
 Applicant/Owner: David Manko State: NY Sampling Point: A2  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_

Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): none Slope (%): 4  
 Subregion (LRR or MLRA): L101 Lat: N42°45'55.59" Long: W78°48'14.35" Datum: WGS84  
 Soil Map Unit Name: Niagara silt loam, till substratum NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present?	Yes <u>X</u> No _____	
Wetland Hydrology Present?	Yes _____ No <u>X</u>	
If yes, optional Wetland Site ID: _____		
Remarks: (Explain alternative procedures here or in a separate report.)		

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <u>X</u>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <u>X</u>
Water Table Present? Yes _____ No <u>X</u>	Depth (inches): _____	
Saturation Present? Yes <u>X</u> No _____	Depth (inches): <u>16"</u>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



Sampling Point: A2

Tree Stratum (Plot size: <u>30'</u> )		Absolute % Cover	Dominant Species?	Indicator Status
1.				
2.				
3.				
4.				
5.				
6.				
7.				
		<u>0</u> = Total Cover		
Sapling/Shrub Stratum (Plot size: <u>15'</u> )				
1.				
2.				
3.				
4.				
5.				
6.				
7.				
		<u>0</u> = Total Cover		
Herb Stratum (Plot size: <u>5'</u> )				
1.	<u>Trifolium hybridum</u>	<u>50</u>	<u>Y</u>	<u>FACU</u>
2.	<u>Ranunculus hispidus</u>	<u>27</u>	<u>Y</u>	<u>FAC</u>
3.	<u>Anthoxanthum odoratum</u>	<u>23</u>	<u>Y</u>	<u>FACU</u>
4.	<u>Poa pratensis</u>	<u>7</u>		<u>FACU</u>
5.	<u>Barbarea vulgaris</u>	<u>2</u>		<u>FAC</u>
6.				
7.				
8.				
9.				
10.				
11.				
12.				
		<u>0</u> = Total Cover		
Woody Vine Stratum (Plot size: _____)				
1.				
2.				
3.				
4.				
		_____ = Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = \_\_\_\_\_

**Hydrophytic Vegetation Indicators:**

\_\_\_\_ 1 - Rapid Test for Hydrophytic Vegetation

\_\_\_\_ 2 - Dominance Test is >50%

\_\_\_\_ 3 - Prevalence Index is ≤3.0<sup>1</sup>

\_\_\_\_ 4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

\_\_\_\_ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No X

Remarks: (Include photo numbers here or on a separate sheet.)



Sampling Point: A2

[illegible]

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B) | <input type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B)       |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <input type="checkbox"/> <b>MLRA 149B)</b>                               | <input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)     |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)       | <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)  |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)             | <input type="checkbox"/> Dark Surface (S7) (LRR K, L, M)             |
| <input type="checkbox"/> Stratified Layers (A5)               | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)     |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input checked="" type="checkbox"/> Depleted Matrix (F3)                 | <input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)           |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Redox Dark Surface (F6)                         | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)   |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Depleted Dark Surface (F7)                      | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             | <input type="checkbox"/> Redox Depressions (F8)                          | <input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)   |
| <input type="checkbox"/> Sandy Redox (S5)                     |  | <input type="checkbox"/> Red Parent Material (F21)                   |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  | <input type="checkbox"/> Very Shallow Dark Surface (TF12)            |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  | <input type="checkbox"/> Other (Explain in Remarks)                  |

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Hydric Soil Present? Yes X No       

Type: \_\_\_\_\_  
Depth (inches): \_\_\_\_\_

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/29/20  
 Applicant/Owner: David Manko State: NY Sampling Point: A3  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): none Slope (%): <1  
 Subregion (LRR or MLRA): L101 Lat: N42°45'54.99" Long: W78°48'14.36" Datum: NAD83  
 Soil Map Unit Name: Niagara silt loam, till substratum NWI classification: \_\_\_\_\_  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <u>X</u>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <u>X</u>
Water Table Present? Yes _____ No <u>X</u>	Depth (inches): _____	
Saturation Present? Yes _____ No <u>X</u>	Depth (inches): _____	
(includes capillary fringe)		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

Sampling Point: A3

Tree Stratum (Plot size: <u>30</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Carya ovata</u>	<u>4</u>	<u>y</u>	<u>FACU</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)  Total Number of Dominant Species Across All Strata: <u>3</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33%</u> (A/B)
2. <u>Populus tremuloides</u>	<u>2</u>	<u>y</u>	<u>FACU</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
				_____ = Total Cover
<b>Sapling/Shrub Stratum (Plot size: <u>15'</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
				<u>0</u> = Total Cover
<b>Herb Stratum (Plot size: <u>5'</u>)</b>				
1. <u>Trifolium pratense</u>	<u>37</u>	<u>y</u>	<u>FACU</u>	<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B)  Prevalence Index = B/A = _____
2. <u>Ranunculus hispidus</u>	<u>30</u>	<u>y</u>	<u>FAC</u>	
3. <u>Poa pratensis</u>	<u>23</u>	<u>y</u>	<u>FACU</u>	
4. <u>Anthoxanthum odoratum</u>	<u>6</u>	<u>y</u>	<u>FACU</u>	
5. <u>Barbarea vulgaris</u>	<u>2</u>		<u>FAC</u>	
6. <u>Vicia tetrasperma</u>	<u>5</u>		<u>UPL</u>	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
				<u>103</u> = Total Cover
<b>Woody Vine Stratum (Plot size: <u>30'</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
				<u>0</u> = Total Cover
<b>Remarks:</b> (Include photo numbers here or on a separate sheet.)				

**Hydrophytic Vegetation Indicators:**  
☐ 1 - Rapid Test for Hydrophytic Vegetation  
☐ 2 - Dominance Test is >50%  
☐ 3 - Prevalence Index is ≤3.0<sup>1</sup>  
☐ 4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)  
☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)  
<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**  
**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  
**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.  
**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  
**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No X



Sampling Point: A3

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)  
☐ Coast Prairie Redox (A16) (**LRR K, L, R**)  
☐ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)  
☐ Dark Surface (S7) (**LRR K, L, M**)  
☐ Polyvalue Below Surface (S8) (**LRR K, L**)  
☐ Thin Dark Surface (S9) (**LRR K, L**)  
☐ Iron-Manganese Masses (F12) (**LRR K, L, R**)  
☐ Piedmont Floodplain Soils (F19) (**MLRA 149B**)  
☐ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)  
☐ Red Parent Material (F21)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

Restrictive Layer (if observed):

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes \_\_\_\_\_ No X

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/30/20  
 Applicant/Owner: David Manko State: NY Sampling Point: T3A-1  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): none Slope (%): <1  
 Subregion (LRR or MLRA): L101 Lat: N42°45'50.88" Long: W78°48'13.64" Datum: WGS 84  
 Soil Map Unit Name: Canandaigua silt loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	
Water Table Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	
Saturation Present? Yes <input checked="" type="checkbox"/> No _____	Depth (inches): <u>16"</u>	
(includes capillary fringe)		Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



Sampling Point: T3A-1

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B) | <input type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B)       |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <input type="checkbox"/> <b>MLRA 149B)</b>                               | <input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)     |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)       | <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)  |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)             | <input type="checkbox"/> Dark Surface (S7) (LRR K, L, M)             |
| <input type="checkbox"/> Stratified Layers (A5)               | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)     |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input checked="" type="checkbox"/> Depleted Matrix (F3)                 | <input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)           |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Redox Dark Surface (F6)                         | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)   |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Depleted Dark Surface (F7)                      | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             | <input type="checkbox"/> Redox Depressions (F8)                          | <input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)   |
| <input type="checkbox"/> Sandy Redox (S5)                     |  | <input type="checkbox"/> Red Parent Material (F21)                   |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  | <input type="checkbox"/> Very Shallow Dark Surface (TF12)            |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  | <input type="checkbox"/> Other (Explain in Remarks)                  |

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Hydric Soil Present? Yes X No       

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Remarks:



**VEGETATION** – Use scientific names of plants.

 Sampling Point: T3A-1

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Sapling/Shrub Stratum (Plot size: <u>15'</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Herb Stratum (Plot size: <u>5'</u>)</b>				
1. <u>Trifolium hybridum</u>	<u>92</u>	<u>Y</u>	<u>FACU</u>	
2. <u>Poa pratensis</u>	<u>16</u>		<u>FACU</u>	
3. <u>Anthoxanthum odoratum</u>	<u>5</u>		<u>FACU</u>	
4. <u>Ranunculus acris</u>	<u>7</u>		<u>FAC</u>	
5. <u>Barbarea vulgaris</u>	<u>2</u>		<u>FAC</u>	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
		<u>122</u> = Total Cover		
<b>Woody Vine Stratum (Plot size: <u>30</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
		<u>0</u> = Total Cover		

**Dominance Test worksheet:**  
 Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)  
 Total Number of Dominant Species Across All Strata: 1 (B)  
 Percent of Dominant Species That Are OBL, FACW, or FAC: \_\_\_\_\_ (A/B)

**Prevalence Index worksheet:**  

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = \_\_\_\_\_

**Hydrophytic Vegetation Indicators:**  
☐ 1 - Rapid Test for Hydrophytic Vegetation  
☐ 2 - Dominance Test is >50%  
☐ 3 - Prevalence Index is ≤3.0<sup>1</sup>  
☐ 4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)  
☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**  
**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  
**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.  
**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  
**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No X

Remarks: (Include photo numbers here or on a separate sheet.)



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/30/20  
 Applicant/Owner: David Manko State: NY Sampling Point: T3-1  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): convex Slope (%): 4  
 Subregion (LRR or MLRA): L101 Lat: N42°45'49.60" Long: W78°48'07.39" Datum: WGS84  
 Soil Map Unit Name: Darien silt loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes _____ No <input checked="" type="checkbox"/>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>
Water Table Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	
Saturation Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	
(includes capillary fringe)		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

Sampling Point: T3-1

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Sapling/Shrub Stratum (Plot size: <u>15'</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Herb Stratum (Plot size: <u>5'</u>)</b>				
1. <u>Anthoxanthum odoratum</u>	<u>28</u>	<u>y</u>	<u>FACU</u>	
2. <u>Festuca pratensis</u>	<u>21</u>	<u>y</u>	<u>UPL</u>	
3. <u>Trifolium hybridum</u>	<u>19</u>	<u>y</u>	<u>FACU</u>	
4. <u>Dactylis glomerata</u>	<u>17</u>		<u>FACU</u>	
5. <u>Phleum pratense</u>	<u>12</u>		<u>FACU</u>	
6. <u>Poa pratensis</u>	<u>9</u>		<u>FACU</u>	
7. <u>Daucus carota</u>	<u>3</u>		<u>UPL</u>	
8. <u>Vicia tetrasperma</u>	<u>4</u>		<u>UPL</u>	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
		<u>113</u> = Total Cover		
<b>Woody Vine Stratum (Plot size: _____)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
		_____ = Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: \_\_\_\_\_ (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = \_\_\_\_\_

**Hydrophytic Vegetation Indicators:**

\_\_\_ 1 - Rapid Test for Hydrophytic Vegetation

\_\_\_ 2 - Dominance Test is >50%

\_\_\_ 3 - Prevalence Index is ≤3.0<sup>1</sup>

\_\_\_ 4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

\_\_\_ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No X

Remarks: (Include photo numbers here or on a separate sheet.)



Sampling Point: T3-1

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B) | <input type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B)       |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)       | <input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)     |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)             | <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)  |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                        | <input type="checkbox"/> Dark Surface (S7) (LRR K, L, M)             |
| <input type="checkbox"/> Stratified Layers (A5)               | <input type="checkbox"/> Depleted Matrix (F3)                            | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)     |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input type="checkbox"/> Redox Dark Surface (F6)                         | <input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)           |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Depleted Dark Surface (F7)                      | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)   |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Redox Depressions (F8)                          | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             |  | <input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)   |
| <input type="checkbox"/> Sandy Redox (S5)                     |  | <input type="checkbox"/> Red Parent Material (F21)                   |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  | <input type="checkbox"/> Very Shallow Dark Surface (TF12)            |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  | <input type="checkbox"/> Other (Explain in Remarks)                  |

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Hydric Soil Present? Yes \_\_\_\_\_ No X

Depth (inches): \_\_\_\_\_

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/30/20  
 Applicant/Owner: David Manko State: NY Sampling Point: T3-2  
 Investigator(s): Erik Krull Section, Township, Range: Slightly  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): concave Slope (%): 3  
 Subregion (LRR or MLRA): L101 Lat: N42°45'49.56" Long: W78°48'10.56" Datum: NAD83  
 Soil Map Unit Name: Darien silt loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes _____ No <input checked="" type="checkbox"/>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

<b>Wetland Hydrology Indicators:</b> <b>Primary Indicators (minimum of one is required; check all that apply)</b> <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<b>Secondary Indicators (minimum of two required)</b> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ (includes capillary fringe)	<b>Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/></b>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

Sampling Point: T3-2

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Sapling/Shrub Stratum (Plot size: <u>15'</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Herb Stratum (Plot size: <u>5'</u>)</b>				
1. <u>Festuca pratensis</u>	<u>28</u>	<u>Y</u>	<u>UPL</u>	
2. <u>Poa pratensis</u>	<u>22</u>	<u>Y</u>	<u>FACU</u>	
3. <u>Dactylis glomerata</u>	<u>16</u>		<u>FACU</u>	
4. <u>Anthoxanthum odoratum</u>	<u>25</u>	<u>Y</u>	<u>FACU</u>	
5. <u>Phleum pratense</u>	<u>7</u>		<u>FACU</u>	
6. <u>Vicia tetrasperma</u>	<u>10</u>		<u>UPL</u>	
7. <u>Barbarea vulgaris</u>	<u>1</u>		<u>FAC</u>	
8. <u>Daucus carota</u>	<u>1</u>		<u>UPL</u>	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
		<u>110</u> = Total Cover		
<b>Woody Vine Stratum (Plot size: _____)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
		_____ = Total Cover		

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0% (A/B)

**Prevalence Index worksheet:**

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = \_\_\_\_\_

**Hydrophytic Vegetation Indicators:**

☐ 1 - Rapid Test for Hydrophytic Vegetation

☐ 2 - Dominance Test is >50%

☐ 3 - Prevalence Index is ≤3.0<sup>1</sup>

☐ 4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Definitions of Vegetation Strata:**

**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No X

Remarks: (Include photo numbers here or on a separate sheet.)



Sampling Point: T3-2

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

[illegible]

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Hydric Soil Indicators:

- |   |  |
|---|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R,      |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <b>MLRA 149B)</b>  |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B) |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)       |
| <input type="checkbox"/> Stratified Layers (A5)               | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                  |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input type="checkbox"/> Depleted Matrix (F3)                      |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Redox Dark Surface (F6)                   |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Depleted Dark Surface (F7)                |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             | <input type="checkbox"/> Redox Depressions (F8)                    |
| <input type="checkbox"/> Sandy Redox (S5)                     |  |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  |

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)  
☐ Coast Prairie Redox (A16) (**LRR K, L, R**)  
☐ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)  
☐ Dark Surface (S7) (**LRR K, L, M**)  
☐ Polyvalue Below Surface (S8) (**LRR K, L**)  
☐ Thin Dark Surface (S9) (**LRR K, L**)  
☐ Iron-Manganese Masses (F12) (**LRR K, L, R**)  
☐ Piedmont Floodplain Soils (F19) (**MLRA 149B**)  
☐ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)  
☐ Red Parent Material (F21)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

## Restrictive Layer (if observed):

Type: \_\_\_\_\_  
Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes \_\_\_\_\_ No ~~X~~

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 5/30/20  
 Applicant/Owner: David Manko State: NY Sampling Point: T3-3  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): none Slope (%): 2  
 Subregion (LRR or MLRA): L101 Lat: N42°45'49.24" Long: W78°48'13.39" Datum: WGS84  
 Soil Map Unit Name: Niagara silt loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <u>X</u>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <u>X</u>
Water Table Present? Yes _____ No <u>X</u>	Depth (inches): _____	
Saturation Present? Yes _____ No <u>X</u>	Depth (inches): _____	
(includes capillary fringe)		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION – Use scientific names of plants.**

 Sampling Point: T3-3

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Sapling/Shrub Stratum (Plot size: <u>15'</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
		<u>0</u> = Total Cover		
<b>Herb Stratum (Plot size: <u>5'</u>)</b>				
1. <u>Anthoxanthum odoratum</u>	<u>36</u>	<u>y</u>	<u>FACU</u>	
2. <u>Festuca pratensis</u>	<u>13</u>	<u>y</u>	<u>FACU</u>	
3. <u>Symphoricarpos lateriflorum</u>	<u>18</u>	<u>y</u>	<u>FAC</u>	
4. <u>Ranunculus hispidus</u>	<u>15</u>	<u>y</u>	<u>FAC</u>	
5. <u>Poa pratensis</u>	<u>21</u>	<u>y</u>	<u>FACU</u>	
6. <u>Vicia tetrasperma</u>	<u>6</u>	<u>y</u>	<u>UPL</u>	
7. <u>Ranunculus bulbosa</u>	<u>8</u>		<u>FAC</u>	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
		<u>117</u> = Total Cover		
<b>Woody Vine Stratum (Plot size: <u>30'</u>)</b>				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
		<u>0</u> = Total Cover		

**Remarks:** (Include photo numbers here or on a separate sheet.)

**Dominance Test worksheet:**  
 Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)  
 Total Number of Dominant Species Across All Strata: 3 (B)  
 Percent of Dominant Species That Are OBL, FACW, or FAC: 33% (A/B)

**Prevalence Index worksheet:**  

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____

Prevalence Index = B/A = \_\_\_\_\_

**Hydrophytic Vegetation Indicators:**  
☐ 1 - Rapid Test for Hydrophytic Vegetation  
☐ 2 - Dominance Test is >50%  
☐ 3 - Prevalence Index is ≤3.0<sup>1</sup>  
☐ 4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)  
☐ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

**Definitions of Vegetation Strata:**  
**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  
**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.  
**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  
**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No X



Sampling Point: T3-3

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 2 cm Muck (A10) (LRR K, L, MLRA 149B)  
☐ Coast Prairie Redox (A16) (LRR K, L, R)  
☐ 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)  
☐ Dark Surface (S7) (LRR K, L, M)  
☐ Polyvalue Below Surface (S8) (LRR K, L)  
☐ Thin Dark Surface (S9) (LRR K, L)  
☐ Iron-Manganese Masses (F12) (LRR K, L, R)  
☐ Piedmont Floodplain Soils (F19) (MLRA 149B)  
☐ Mesic Spodic (TA6) (MLRA 144A, 145, 149B)  
☐ Red Parent Material (F21)  
☐ Very Shallow Dark Surface (TF12)  
☐ Other (Explain in Remarks)

Restrictive Layer (if observed):

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes \_\_\_\_\_ No X

Northcentral and Northeast Region – Version 2.0



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 9/19/20  
 Applicant/Owner: David Manko State: NY Sampling Point: PC3-1  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): convex Slope (%): 3  
 Subregion (LRR or MLRA): L101 Lat: N42°46'03.24" Long: W78°48'07.23" Datum: WGS84  
 Soil Map Unit Name: Illion silt loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>
Water Table Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	
Saturation Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	
(includes capillary fringe)		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

Sampling Point: PC3-1

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status															
1. <u>Populus deltoides</u>	<u>8</u>	<u>x</u>	<u>FAC</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A)  Total Number of Dominant Species Across All Strata: <u>2</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0%</u> (A/B)														
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
_____ = Total Cover				<b>Prevalence Index worksheet:</b> <table style="width: 100%;"> <tr> <th>Total % Cover of:</th> <th>Multiply by:</th> </tr> <tr> <td>OBL species _____</td> <td>x 1 = _____</td> </tr> <tr> <td>FACW species _____</td> <td>x 2 = _____</td> </tr> <tr> <td>FAC species _____</td> <td>x 3 = _____</td> </tr> <tr> <td>FACU species _____</td> <td>x 4 = _____</td> </tr> <tr> <td>UPL species _____</td> <td>x 5 = _____</td> </tr> <tr> <td>Column Totals: _____</td> <td>(A) _____ (B) _____</td> </tr> </table> Prevalence Index = B/A = _____	Total % Cover of:	Multiply by:	OBL species _____	x 1 = _____	FACW species _____	x 2 = _____	FAC species _____	x 3 = _____	FACU species _____	x 4 = _____	UPL species _____	x 5 = _____	Column Totals: _____	(A) _____ (B) _____
Total % Cover of:	Multiply by:																	
OBL species _____	x 1 = _____																	
FACW species _____	x 2 = _____																	
FAC species _____	x 3 = _____																	
FACU species _____	x 4 = _____																	
UPL species _____	x 5 = _____																	
Column Totals: _____	(A) _____ (B) _____																	
<b>Sapling/Shrub Stratum (Plot size: <u>15'</u>)</b>																		
1. _____	_____	_____	_____															
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
_____ = Total Cover																		
<b>Herb Stratum (Plot size: <u>5'</u>)</b>																		
1. <u>Centaurea jacea</u>	<u>38</u>	<u>y</u>	<u>FACU</u>	<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.														
2. <u>Poa pratensis</u>	<u>30</u>	<u>y</u>	<u>FACU</u>															
3. <u>Vicia tetrasperma</u>	<u>8</u>		<u>UPL</u>															
4. <u>Festuca pratensis</u>	<u>10</u>		<u>UPL</u>															
5. <u>Daucus carota</u>	<u>3</u>		<u>UPL</u>															
6. <u>Allium vineale</u>	<u>5</u>		<u>FACU</u>															
7. <u>Mentha arvensis</u>	<u>7</u>		<u>FACW</u>															
8. <u>Solidago canadensis</u>	<u>6</u>		<u>FACU</u>															
9. <u>Euthamia graminifolia</u>	<u>3</u>		<u>FAC</u>															
10. <u>Symphoricarum lateriflorum</u>	<u>13</u>		<u>FAC</u>															
11. _____	_____	_____	_____															
12. _____	_____	_____	_____															
<u>123</u> = Total Cover																		
<b>Woody Vine Stratum (Plot size: <u>30'</u>)</b>																		
1. _____	_____	_____	_____															
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
_____ = Total Cover																		
<b>Remarks:</b> (Include photo numbers here or on a separate sheet.)          																		

**Definitions of Vegetation Strata:**  
**Tree** – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  
**Sapling/shrub** – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.  
**Herb** – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  
**Woody vines** – All woody vines greater than 3.28 ft in height.

**Hydrophytic Vegetation Present?** Yes \_\_\_\_\_ No X



Sampling Point: PC3-1

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B) | <input type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B)       |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)       | <input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)     |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)             | <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)  |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                        | <input type="checkbox"/> Dark Surface (S7) (LRR K, L, M)             |
| <input type="checkbox"/> Stratified Layers (A5)               | <input checked="" type="checkbox"/> Depleted Matrix (F3)                 | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)     |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input type="checkbox"/> Redox Dark Surface (F6)                         | <input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)           |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Depleted Dark Surface (F7)                      | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)   |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Redox Depressions (F8)                          | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             |  | <input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)   |
| <input type="checkbox"/> Sandy Redox (S5)                     |  | <input type="checkbox"/> Red Parent Material (F21)                   |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  | <input type="checkbox"/> Very Shallow Dark Surface (TF12)            |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  | <input type="checkbox"/> Other (Explain in Remarks)                  |

Restrictive Layer (if observed):

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes X No       

Remarks:



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 9/19/20  
 Applicant/Owner: David Manko State: NY Sampling Point: PC4-1  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_  
 Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): Concave Slope (%): <1  
 Subregion (LRR or MLRA): L101 Lat: N42° 46' 04.26" Long: W78° 48' 11.43" Datum: WGS84  
 Soil Map Unit Name: Wayland silt loam NWI classification: PEM1C

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____
Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____	
Remarks: (Explain alternative procedures here or in a separate report.)	

## HYDROLOGY

<b>Wetland Hydrology Indicators:</b> <b>Primary Indicators (minimum of one is required; check all that apply)</b> <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<b>Secondary Indicators (minimum of two required)</b> <input checked="" type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input checked="" type="checkbox"/> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ (includes capillary fringe)	<b>Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____</b>	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

 Sampling Point: PC4-1

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:														
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A)  Total Number of Dominant Species Across All Strata: <u>2</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)														
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
_____ = Total Cover				<b>Prevalence Index worksheet:</b> <table style="width: 100%;"> <tr> <th style="width: 50%;">Total % Cover of:</th> <th style="width: 50%;">Multiply by:</th> </tr> <tr> <td>OBL species _____</td> <td>x 1 = _____</td> </tr> <tr> <td>FACW species _____</td> <td>x 2 = _____</td> </tr> <tr> <td>FAC species _____</td> <td>x 3 = _____</td> </tr> <tr> <td>FACU species _____</td> <td>x 4 = _____</td> </tr> <tr> <td>UPL species _____</td> <td>x 5 = _____</td> </tr> <tr> <td>Column Totals: _____</td> <td>(A) _____ (B) _____</td> </tr> </table> Prevalence Index = B/A = _____	Total % Cover of:	Multiply by:	OBL species _____	x 1 = _____	FACW species _____	x 2 = _____	FAC species _____	x 3 = _____	FACU species _____	x 4 = _____	UPL species _____	x 5 = _____	Column Totals: _____	(A) _____ (B) _____
Total % Cover of:	Multiply by:																	
OBL species _____	x 1 = _____																	
FACW species _____	x 2 = _____																	
FAC species _____	x 3 = _____																	
FACU species _____	x 4 = _____																	
UPL species _____	x 5 = _____																	
Column Totals: _____	(A) _____ (B) _____																	
<b>Sapling/Shrub Stratum (Plot size: <u>15'</u>)</b> 1. <u>Rhamnus cathartica</u> <u>4</u> <u>y</u> <u>FAC</u>																		
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
_____ = Total Cover				<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.														
<b>Herb Stratum (Plot size: <u>5'</u>)</b> 1. <u>Lythrum salicaria</u> <u>80</u> <u>y</u> <u>OBL</u> 2. <u>Carex petrosae</u> <u>5</u> <u>y</u> <u>OBL</u> 3. <u>Euthamia graminifolia</u> <u>8</u> <u>y</u> <u>FAC</u> 4. <u>Symphotrichum racemosum</u> <u>11</u> <u>y</u> <u>FACW</u> 5. <u>Solidago canadensis</u> <u>9</u> <u>y</u> <u>FACU</u>																		
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
8. _____	_____	_____	_____															
9. _____	_____	_____	_____															
10. _____	_____	_____	_____															
11. _____	_____	_____	_____															
12. _____	_____	_____	_____															
_____ = Total Cover				<b>Definitions of Vegetation Strata:</b>  <b>Tree</b> – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.  <b>Sapling/shrub</b> – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.  <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.  <b>Woody vines</b> – All woody vines greater than 3.28 ft in height.														
<b>Woody Vine Stratum (Plot size: <u>30'</u>)</b> 1. _____ 2. _____ 3. _____ 4. _____																		
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
8. _____	_____	_____	_____															
9. _____	_____	_____	_____															
_____ = Total Cover																		
Remarks: (Include photo numbers here or on a separate sheet.)     				<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>														



Sampling Point: PC4-1

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B) | <input type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B)       |
| <input type="checkbox"/> Histic Epipedon (A2)                 | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)       | <input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)     |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)             | <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)  |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                        | <input type="checkbox"/> Dark Surface (S7) (LRR K, L, M)             |
| <input type="checkbox"/> Stratified Layers (A5)               | <input checked="" type="checkbox"/> Depleted Matrix (F3)                 | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)     |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input type="checkbox"/> Redox Dark Surface (F6)                         | <input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)           |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Depleted Dark Surface (F7)                      | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)   |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Redox Depressions (F8)                          | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             |  | <input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)   |
| <input type="checkbox"/> Sandy Redox (S5)                     |  | <input type="checkbox"/> Red Parent Material (F21)                   |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  | <input type="checkbox"/> Very Shallow Dark Surface (TF12)            |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  | <input type="checkbox"/> Other (Explain in Remarks)                  |

Restrictive Layer (if observed):

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes  No       

Northcentral and Northeast Region – Version 2.0



# WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Parker Rd. Hamburg City/County: Erie County Sampling Date: 9/19/20  
 Applicant/Owner: David Manko State: NY Sampling Point: PC5-1  
 Investigator(s): Erik Krull Section, Township, Range: \_\_\_\_\_

Landform (hillslope, terrace, etc.): Lake Plain Local relief (concave, convex, none): Concave Slope (%): 1-2  
 Subregion (LRR or MLRA): L101 Lat: N42°46'03.69" Long: W78°48'07.49" Datum: WGS84  
 Soil Map Unit Name: Wayland silt loam NWI classification: R4SBG

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____
Hydric Soil Present? Yes <u>X</u> No _____	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes <u>X</u> No _____	
Remarks: (Explain alternative procedures here or in a separate report.) <p style="text-align: center;">This sample point is directly adjacent to gravel streambed in a area that is intermittently flooded.</p>	

## HYDROLOGY

<b>Wetland Hydrology Indicators:</b> <u>Primary Indicators (minimum of one is required; check all that apply)</u> _____ Surface Water (A1) _____ Water-Stained Leaves (B9) _____ High Water Table (A2) _____ Aquatic Fauna (B13) <u>X</u> Saturation (A3) _____ Marl Deposits (B15) _____ Water Marks (B1) _____ Hydrogen Sulfide Odor (C1) _____ Sediment Deposits (B2) _____ Oxidized Rhizospheres on Living Roots (C3) _____ Drift Deposits (B3) _____ Presence of Reduced Iron (C4) _____ Algal Mat or Crust (B4) _____ Recent Iron Reduction in Tilled Soils (C6) _____ Iron Deposits (B5) _____ Thin Muck Surface (C7) _____ Inundation Visible on Aerial Imagery (B7) _____ Other (Explain in Remarks) _____ Sparsely Vegetated Concave Surface (B8)		<u>Secondary Indicators (minimum of two required)</u> _____ Surface Soil Cracks (B6) _____ Drainage Patterns (B10) _____ Moss Trim Lines (B16) _____ Dry-Season Water Table (C2) _____ Crayfish Burrows (C8) _____ Saturation Visible on Aerial Imagery (C9) _____ Stunted or Stressed Plants (D1) <u>X</u> Geomorphic Position (D2) _____ Shallow Aquitard (D3) _____ Microtopographic Relief (D4) <u>X</u> FAC-Neutral Test (D5)
<b>Field Observations:</b> Surface Water Present? Yes _____ No <u>X</u> Depth (inches): _____ Water Table Present? Yes _____ No <u>X</u> Depth (inches): _____ Saturation Present? Yes <u>X</u> No _____ Depth (inches): <u>9"</u> (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No _____	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		



**VEGETATION** – Use scientific names of plants.

Sampling Point: PC5-1

Tree Stratum (Plot size: <u>30'</u> )	Absolute % Cover	Dominant Species?	Indicator Status															
1. <u>Acer negundo</u>	<u>18</u>	<u>y</u>	<u>FAC</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>6</u> (A) Total Number of Dominant Species Across All Strata: <u>6</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)														
2. <u>Salix alba</u>	<u>6</u>	<u>y</u>	<u>FACW</u>															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
<u>24</u> = Total Cover																		
Sapling/Shrub Stratum (Plot size: <u>15'</u> )	Absolute % Cover	Dominant Species?	Indicator Status															
1. <u>Cornus amomum</u>	<u>15</u>	<u>y</u>	<u>FACW</u>	<b>Prevalence Index worksheet:</b> <table style="width: 100%;"> <tr> <th>Total % Cover of:</th> <th>Multiply by:</th> </tr> <tr> <td>OBL species _____</td> <td>x 1 = _____</td> </tr> <tr> <td>FACW species _____</td> <td>x 2 = _____</td> </tr> <tr> <td>FAC species _____</td> <td>x 3 = _____</td> </tr> <tr> <td>FACU species _____</td> <td>x 4 = _____</td> </tr> <tr> <td>UPL species _____</td> <td>x 5 = _____</td> </tr> <tr> <td>Column Totals: _____</td> <td>(A) _____ (B) _____</td> </tr> </table> Prevalence Index = B/A = _____	Total % Cover of:	Multiply by:	OBL species _____	x 1 = _____	FACW species _____	x 2 = _____	FAC species _____	x 3 = _____	FACU species _____	x 4 = _____	UPL species _____	x 5 = _____	Column Totals: _____	(A) _____ (B) _____
Total % Cover of:	Multiply by:																	
OBL species _____	x 1 = _____																	
FACW species _____	x 2 = _____																	
FAC species _____	x 3 = _____																	
FACU species _____	x 4 = _____																	
UPL species _____	x 5 = _____																	
Column Totals: _____	(A) _____ (B) _____																	
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
<u>15</u> = Total Cover																		
Herb Stratum (Plot size: <u>5'</u> )	Absolute % Cover	Dominant Species?	Indicator Status															
1. <u>Mentha x piperita</u>	<u>31</u>	<u>y</u>	<u>OBL</u>	<b>Hydrophytic Vegetation Indicators:</b> <input checked="" type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.														
2. <u>Lythrum salicaria</u>	<u>24</u>	<u>y</u>	<u>OBL</u>															
3. <u>Impatiens capensis</u>	<u>5</u>		<u>FACW</u>															
4. <u>Leersia oryzoides</u>	<u>18</u>	<u>y</u>	<u>OBL</u>															
5. <u>Persicaria pensylvanica</u>	<u>9</u>		<u>FACW</u>															
6. <u>Bidens frondosa</u>	<u>7</u>		<u>FACW</u>															
7. <u>Convolvulus arvensis</u>	<u>12</u>		<u>UPL</u>															
8. <u>Solidago canadensis</u>	<u>2</u>		<u>FACU</u>															
9. <u>Typha latifolia</u>	<u>5</u>		<u>OBL</u>															
10. _____	_____	_____	_____															
11. _____	_____	_____	_____															
12. _____	_____	_____	_____															
<u>113</u> = Total Cover																		
Woody Vine Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status															
1. _____	_____	_____	_____	<b>Definitions of Vegetation Strata:</b> <b>Tree</b> – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. <b>Sapling/shrub</b> – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. <b>Herb</b> – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. <b>Woody vines</b> – All woody vines greater than 3.28 ft in height.														
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
_____ = Total Cover																		
<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No _____																		
Remarks: (Include photo numbers here or on a separate sheet.)																		



Sampling Point: PC5-1

[illegible]<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

### Indicators for Problematic Hydric Soils<sup>3</sup>:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Histosol (A1)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B) | <input checked="" type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B) |
| <input type="checkbox"/> Histic Epipedon (A2)                 |  | <input type="checkbox"/> Coast Prairie Redox (A16) (LRR K, L, R)          |
| <input type="checkbox"/> Black Histic (A3)                    | <input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)       | <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)       |
| <input type="checkbox"/> Hydrogen Sulfide (A4)                | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR K, L)             | <input type="checkbox"/> Dark Surface (S7) (LRR K, L, M)                  |
| <input type="checkbox"/> Stratified Layers (A5)               | <input type="checkbox"/> Loamy Gleyed Matrix (F2)                        | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)          |
| <input type="checkbox"/> Depleted Below Dark Surface (A11)    | <input checked="" type="checkbox"/> Depleted Matrix (F3)                 | <input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)                |
| <input type="checkbox"/> Thick Dark Surface (A12)             | <input type="checkbox"/> Redox Dark Surface (F6)                         | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)        |
| <input type="checkbox"/> Sandy Mucky Mineral (S1)             | <input type="checkbox"/> Depleted Dark Surface (F7)                      | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B)      |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4)             | <input type="checkbox"/> Redox Depressions (F8)                          | <input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)        |
| <input type="checkbox"/> Sandy Redox (S5)                     |  | <input type="checkbox"/> Red Parent Material (F21)                        |
| <input type="checkbox"/> Stripped Matrix (S6)                 |  | <input type="checkbox"/> Very Shallow Dark Surface (TF12)                 |
| <input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B) |  | <input type="checkbox"/> Other (Explain in Remarks)                       |

Restrictive Layer (if observed):

Type: \_\_\_\_\_  
Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes X No       

Northcentral and Northeast Region – Version 2.0



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## Appendix L

### Town of Hamburg Stormwater Maintenance Agreement

#### Checklists

# New York State Stormwater Management Design Manual

## Chapter 6: Performance Criteria

### Section 6.4 Stormwater Filtering Systems

#### Bioretention Areas (F-5)



**Description:** Shallow stormwater basin or landscaped area which utilizes engineered soils and vegetation to capture and treat runoff. The practice is often located in parking lot islands, and can also be used to treat residential areas.

<u>KEY CONSIDERATIONS</u>	<u>STORMWATER MANAGEMENT SUITABILITY</u>
<p><b>CONVEYANCE</b></p> <ul style="list-style-type: none"> <li>• Provide overflow for the 10-year storm to the conveyance system.</li> <li>• Conveyance to the system is typically overland flow delivered to the surface of the system, typically through curb cuts or over a concrete lip.</li> </ul> <p><b>PRETREATMENT</b></p> <ul style="list-style-type: none"> <li>• Pretreatment consists of a grass channel or grass filter strip, a gravel diaphragm, and a mulch layer, sized based on the methodologies described in Section 6.4.2.</li> </ul> <p><b>TREATMENT</b></p> <ul style="list-style-type: none"> <li>• Treatment area should have a four foot deep planting soil bed, a surface mulch layer, and a 6" ponding layer.</li> <li>• Size the treatment area using equations provided in Chapter 6.</li> </ul> <p><b>LANDSCAPING</b></p> <ul style="list-style-type: none"> <li>• Detailed landscaping plan required.</li> </ul> <p><b>MAINTENANCE</b></p> <ul style="list-style-type: none"> <li>• Inspect and repair/replace treatment area components</li> <li>• Stone drop (at least 6") provided at the inlet</li> <li>• Remulch annually</li> </ul>	<p><input checked="" type="checkbox"/> Water Quality</p> <p><input type="checkbox"/> Channel Protection</p> <p><input type="checkbox"/> Overbank Flood Protection</p> <p><input type="checkbox"/> Extreme Flood Protection</p> <p><b>Accepts Hotspot Runoff:</b> <i>Yes</i> (requires impermeable liner)</p> <p><u><b>IMPLEMENTATION CONSIDERATIONS</b></u></p> <p><input checked="" type="checkbox"/> Capital Cost</p> <p><input checked="" type="checkbox"/> Maintenance Burden</p> <p><u><b>Residential</b></u></p> <p><b>Subdivision Use:</b> <i>Yes</i></p> <p><b>High Density/Ultra-Urban:</b> <i>Yes</i></p> <p><b>Drainage Area:</b> <i>5 acres max.</i></p> <p><b>Soils:</b> <i>Planting soils must meet specified criteria; No restrictions on surrounding soils</i></p> <p><b>Other Considerations:</b></p> <ul style="list-style-type: none"> <li>• <i>Use of native plants is recommended</i></li> </ul>



New York State Stormwater Management Design Manual

Chapter 6: Performance Criteria  
Section 6.4 Stormwater Filtering Systems

	<div>Key: L=Low M=Medium H=High</div> <div><b>POLLUTANT REMOVAL</b></div> <div><div>G</div>Phosphorus</div> <div><div>G</div>Nitrogen</div> <div><div>G</div>Metals - Cadmium, Copper, Lead, and Zinc removal</div> <div><div>F</div>Pathogens – Coliform, Streptococci, E.Coli removal</div> <div>Key: G=Good F=Fair P=Poor</div>
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## Bioretention Construction Inspection Checklist

Project:

Location:

Site Status:

Date:

Time:

Inspector:

CONSTRUCTION SEQUENCE	SATISFACTORY/ UNSATISFACTORY	COMMENTS
<b>1. Pre-Construction</b>		
Pre-construction meeting		
Runoff diverted		
Facility area cleared		
If designed as exfilter, soil testing for permeability		
Facility location staked out		
<b>2. Excavation</b>		
Size and location		
Lateral slopes completely level		
If designed as exfilter, ensure that excavation does not compact subsoils.		
Longitudinal slopes within design range		

CONSTRUCTION SEQUENCE	SATISFACTORY / UNSATISFACTORY	COMMENTS
<b>3. Structural Components</b>		
Stone diaphragm installed correctly		
Outlets installed correctly		
Underdrain		
Pretreatment devices installed		
Soil bed composition and texture		
<b>4. Vegetation</b>		
Complies with planting specs		
Topsoil adequate in composition and placement		
Adequate erosion control measures in place		
<b>5. Final Inspection</b>		
Dimensions		
Proper stone diaphragm		
Proper outlet		
Soil/ filter bed permeability testing		
Effective stand of vegetation and stabilization		
Construction generated sediments removed		
Contributing watershed stabilized before flow is diverted to the practice		



## This image shows a blank sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. On the left side, there is a vertical margin line, creating a narrow left margin. The paper appears to be a standard notebook or legal pad style.

[illegible]

## Bioretention Operation, Maintenance and Management Inspection Checklist

Project:

Location:

Site Status:

Date:

Time:

Inspector:

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
<b>1. Debris Cleanout (Monthly)</b>		
Bioretention and contributing areas clean of debris		
No dumping of yard wastes into practice		
Litter (branches, etc.) have been removed		
<b>2. Vegetation (Monthly)</b>		
Plant height not less than design water depth		
Fertilized per specifications		
Plant composition according to approved plans		
No placement of inappropriate plants		
Grass height not greater than 6 inches		
No evidence of erosion		
<b>3. Check Dams/Energy Dissipaters/Sumps (Annual, After Major Storms)</b>		
No evidence of sediment buildup		

MAINTENANCE ITEM	SATISFACTORY / UNSATISFACTORY	COMMENTS
Sumps should not be more than 50% full of sediment		
No evidence of erosion at downstream toe of drop structure		
<b>4. Dewatering (Monthly)</b>		
Dewaterers between storms		
No evidence of standing water		
<b>5. Sediment Deposition (Annual)</b>		
Swale clean of sediments		
Sediments should not be > 20% of swale design depth		
<b>6. Outlet/Overflow Spillway (Annual, After Major Storms)</b>		
Good condition, no need for repair		
No evidence of erosion		
No evidence of any blockages		
<b>7. Integrity of Filter Bed (Annual)</b>		
Filter bed has not been blocked or filled inappropriately		



Comments:

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Actions to be Taken:

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# New York State Stormwater Management Design Manual

Chapter 6: Performance Criteria

Section 6.1 Stormwater Ponds

## Stormwater Ponds



**Description:** Constructed stormwater retention basin that has a permanent pool (or micropool). Runoff from each rain event is detained and treated in the pool through settling and biological uptake mechanisms.

**Design Options:** Micropool Extended Detention (P-1), Wet Pond (P-2), Wet Extended Detention (P-3), Multiple Pond (P-4), Pocket Pond (P-5)

<u>KEY CONSIDERATIONS</u>	<u>STORMWATER MANAGEMENT SUITABILITY</u>
<p><b>FEASIBILITY</b></p> <ul style="list-style-type: none"> <li>Contributing drainage area greater than 10 acres for P-1, 25 acres for P-2 to P-4.</li> <li>Follow DEC Guidelines for Design of Dams.</li> <li>Provide a minimum 2' separation from the groundwater in sole source aquifers.</li> <li>Do not locate ponds in jurisdictional wetlands.</li> <li>Avoid directing hotspot runoff to design P-5.</li> </ul> <p><b>CONVEYANCE</b></p> <ul style="list-style-type: none"> <li>Forebay at each inlet, unless the inlet contributes less than 10% of the total inflow, 4' to 6' deep.</li> <li>Stabilize the channel below the pond to prevent erosion.</li> <li>Stilling basin at the outlet to reduce velocities.</li> </ul> <p><b>PRETREATMENT</b></p> <ul style="list-style-type: none"> <li>Forebay volume at least 10% of the WQ<sub>v</sub></li> <li>Forebay shall be designed with non-erosive outlet conditions.</li> <li>Provide direct access to the forebay for maintenance equipment</li> <li>In sole source aquifers, provide 100% pretreatment for hotspot runoff.</li> </ul> <p><b>TREATMENT</b></p> <ul style="list-style-type: none"> <li>Provide the water quality volume in a combination of permanent pool and extended detention (Table 6.1 in manual provides limitations on storage breakdown)</li> <li>Minimum length to width ratio of 1.5:1</li> <li>Minimum surface area to drainage area ratio of 1:100</li> </ul> <p><b>LANDSCAPING</b></p>	<p><input checked="" type="checkbox"/> Water Quality</p> <p><input checked="" type="checkbox"/> Channel Protection</p> <p><input checked="" type="checkbox"/> Overbank Flood Protection</p> <p><input checked="" type="checkbox"/> Extreme Flood Protection</p> <p><b>Accepts Hotspot Runoff:</b> <i>Yes</i>  <i>(2 feet minimum separation distance required to water table)</i></p> <p><u><b>FEASIBILITY CONSIDERATIONS</b></u></p> <p><input type="checkbox"/> Cost</p> <p><input type="checkbox"/> Maintenance Burden</p> <p><b>Key:</b> L=Low M=Moderate H=High</p> <p><b>Residential Subdivision Use:</b> <i>Yes</i></p> <p><b>High Density/Ultra-Urban:</b> <i>No</i></p> <p><b>Soils:</b> <i>Hydrologic group 'A' soils may require pond liner</i></p> <p><i>Hydrologic group 'D' soils may have compaction constraints</i></p> <p><b>Other Considerations:</b></p> <ul style="list-style-type: none"> <li><i>Thermal effects</i></li> </ul>

# New York State Stormwater Management Design Manual

## Chapter 6: Performance Criteria

### Section 6.1 Stormwater Ponds

- Provide a minimum 10' and preferably 15' safety bench extending from the high water mark, with a maximum slope of 6%.
- Provide an aquatic bench extending 15 feet outward from the shoreline, and a maximum depth of 18" below normal water elevation.
- Develop a landscaping plan.
- Provide a 25' pond buffer.
- No woody vegetation within 15 feet of the toe of the embankment, or 25 feet from the principal spillway.

#### MAINTENANCE REQUIREMENTS

- Legally binding maintenance agreement
- Sediment removal from forebay every five to six years or when 50% full.
- Provide a maintenance easement and right-of-way.
- Removable trash rack on the principal spillway.
- Non-clogging low flow orifice
- Riser in the embankment.
- Pond drain required, capable of drawing down the pond in 24 hours.
- Notification required for pond drainage.
- Provide an adjustable gate valve on both the WQ<sub>v</sub>-ED pipe, and the pond drain.
- Side Slopes less than 3:1, and terminate at a safety bench.
- Principal spillway shall not permit access by small children, and endwalls above pipes greater than 48" in diameter shall be fenced.

- *Outlet clogging*
- *Safety bench*

#### POLLUTANT REMOVAL

- G** Phosphorus
- G** Nitrogen
- G** Metals - Cadmium, Copper, Lead, and Zinc removal
- G** Pathogens Coliform, E.Coli, Streptococci removal

**Key: G=Good F=Fair P=Poor**



## Stormwater/Wetland Pond Construction Inspection Checklist

Project:

Location:

Site Status:

Date:

Time:

Inspector:

CONSTRUCTION SEQUENCE	SATISFACTORY/ UNSATISFACTORY	COMMENTS
<b>Pre-Construction/Materials and Equipment</b>		
Pre-construction meeting		
Pipe and appurtenances on-site prior to construction and dimensions checked		
1. Material (including protective coating, if specified)		
2. Diameter		
3. Dimensions of metal riser or pre-cast concrete outlet structure		
4. Required dimensions between water control structures (orifices, weirs, etc.) are in accordance with approved plans		
5. Barrel stub for prefabricated pipe structures at proper angle for design barrel slope		
6. Number and dimensions of prefabricated anti-seep collars		
7. Watertight connectors and gaskets		
8. Outlet drain valve		
Project benchmark near pond site		
Equipment for temporary de-watering		

CONSTRUCTION SEQUENCE	SATISFACTORY/ UNSATISFACTORY	COMMENTS
<b>2. Subgrade Preparation</b>		
Area beneath embankment stripped of all vegetation, topsoil, and organic matter		
<b>3. Pipe Spillway Installation</b>		
Method of installation detailed on plans		
<b>A. Bed preparation</b>		
Installation trench excavated with specified side slopes		
Stable, uniform, dry subgrade of relatively impervious material (If subgrade is wet, contractor shall have defined steps before proceeding with installation)		
Invert at proper elevation and grade		
<b>B. Pipe placement</b>		
Metal / plastic pipe		
1. Watertight connectors and gaskets properly installed		
2. Anti-seep collars properly spaced and having watertight connections to pipe		
3. Backfill placed and tamped by hand under “haunches” of pipe		
4. Remaining backfill placed in max. 8 inch lifts using small power tamping equipment until 2 feet cover over pipe is reached		

CONSTRUCTION SEQUENCE	SATISFACTORY/ UNSATISFACTORY	COMMENTS
<b>3. Pipe Spillway Installation</b>		
Concrete pipe		
1. Pipe set on blocks or concrete slab for pouring of low cradle		
2. Pipe installed with rubber gasket joints with no spalling in gasket interface area		
3. Excavation for lower half of anti-seep collar(s) with reinforcing steel set		
4. Entire area where anti-seep collar(s) will come in contact with pipe coated with mastic or other approved waterproof sealant		
5. Low cradle and bottom half of anti-seep collar installed as monolithic pour and of an approved mix		
6. Upper half of anti-seep collar(s) formed with reinforcing steel set		
7. Concrete for collar of an approved mix and vibrated into place (protected from freezing while curing, if necessary)		
8. Forms stripped and collar inspected for honeycomb prior to backfilling. Parge if necessary.		
<b>C. Backfilling</b>		
Fill placed in maximum 8 inch lifts		
Backfill taken minimum 2 feet above top of anti-seep collar elevation before traversing with heavy equipment		



CONSTRUCTION SEQUENCE	SATISFACTORY/ UNSATISFACTORY	COMMENTS
<b>4. Riser / Outlet Structure Installation</b>		
Riser located within embankment		
<b>A. Metal riser</b>		
Riser base excavated or formed on stable subgrade to design dimensions		
Set on blocks to design elevations and plumbed		
Reinforcing bars placed at right angles and projecting into sides of riser		
Concrete poured so as to fill inside of riser to invert of barrel		
<b>B. Pre-cast concrete structure</b>		
Dry and stable subgrade		
Riser base set to design elevation		
If more than one section, no spalling in gasket interface area; gasket or approved caulking material placed securely		
Watertight and structurally sound collar or gasket joint where structure connects to pipe spillway		
<b>C. Poured concrete structure</b>		
Footing excavated or formed on stable subgrade, to design dimensions with reinforcing steel set		
Structure formed to design dimensions, with reinforcing steel set as per plan		
Concrete of an approved mix and vibrated into place (protected from freezing while curing, if necessary)		
Forms stripped & inspected for "honeycomb" prior to backfilling; parge if necessary		

CONSTRUCTION SEQUENCE	SATISFACTORY/ UNSATISFACTORY	COMMENTS
<b>5. Embankment Construction</b>		
Fill material		
Compaction		
Embankment		
1. Fill placed in specified lifts and compacted with appropriate equipment		
2. Constructed to design cross-section, side slopes and top width		
3. Constructed to design elevation plus allowance for settlement		
<b>6. Impounded Area Construction</b>		
Excavated / graded to design contours and side slopes		
Inlet pipes have adequate outfall protection		
Forebay(s)		
Pond benches		
<b>7. Earth Emergency Spillway Construction</b>		
Spillway located in cut or structurally stabilized with riprap, gabions, concrete, etc.		
Excavated to proper cross-section, side slopes and bottom width		
Entrance channel, crest, and exit channel constructed to design grades and elevations		

CONSTRUCTION SEQUENCE	SATISFACTORY / UNSATISFACTORY	COMMENTS
<b>8. Outlet Protection</b>		
A. End section		
Securely in place and properly backfilled		
B. Endwall		
Footing excavated or formed on stable subgrade, to design dimensions and reinforcing steel set, if specified		
Endwall formed to design dimensions with reinforcing steel set as per plan		
Concrete of an approved mix and vibrated into place (protected from freezing, if necessary)		
Forms stripped and structure inspected for "honeycomb" prior to backfilling; parge if necessary		
C. Riprap apron / channel		
Apron / channel excavated to design cross-section with proper transition to existing ground		
Filter fabric in place		
Stone sized as per plan and uniformly place at the thickness specified		
<b>9. Vegetative Stabilization</b>		
Approved seed mixture or sod		
Proper surface preparation and required soil amendments		
Excelsior mat or other stabilization, as per plan		



CONSTRUCTION SEQUENCE	SATISFACTORY/ UNSATISFACTORY	COMMENTS
<b>10. Miscellaneous</b>		
Drain for ponds having a permanent pool		
Trash rack / anti-vortex device secured to outlet structure		
Trash protection for low flow pipes, orifices, etc.		
Fencing (when required)		
Access road		
Set aside for clean-out maintenance		
<b>11. Stormwater Wetlands</b>		
Adequate water balance		
Variety of depth zones present		
Approved pondscaping plan in place Reinforcement budget for additional plantings		
Plants and materials ordered 6 months prior to construction		
Construction planned to allow for adequate planting and establishment of plant community (April-June planting window)		
Wetland buffer area preserved to maximum extent possible		

**Comments:**


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**Actions to be Taken:**

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## Stormwater Pond/Wetland Operation, Maintenance and Management Inspection Checklist

Project \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Site Status: \_\_\_\_\_  
  
 Date: \_\_\_\_\_  
 Time: \_\_\_\_\_  
  
 Inspector: \_\_\_\_\_

Maintenance Item	Satisfactory/ Unsatisfactory	Comments
<b>1. Embankment and emergency spillway (Annual, After Major Storms)</b>		
1. Vegetation and ground cover adequate		
2. Embankment erosion		
3. Animal burrows		
4. Unauthorized planting		
5. Cracking, bulging, or sliding of dam		
a. Upstream face		
b. Downstream face		
c. At or beyond toe		
downstream		
upstream		
d. Emergency spillway		
6. Pond, toe & chimney drains clear and functioning		
7. Seeps/leaks on downstream face		
8. Slope protection or riprap failure		
9. Vertical/horizontal alignment of top of dam "As-Built"		



Maintenance Item	Satisfactory/ Unsatisfactory	Comments
10. Emergency spillway clear of obstructions and debris		
11. Other (specify)		
<b>2. Riser and principal spillway (Annual)</b>		
Type: Reinforced concrete _____ Corrugated pipe _____ Masonry _____		
1. Low flow orifice obstructed		
2. Low flow trash rack. a. Debris removal necessary		
b. Corrosion control		
3. Weir trash rack maintenance a. Debris removal necessary		
b. corrosion control		
4. Excessive sediment accumulation insider riser		
5. Concrete/masonry condition riser and barrels a. cracks or displacement		
b. Minor spalling (<1" )		
c. Major spalling (rebars exposed)		
d. Joint failures		
e. Water tightness		
6. Metal pipe condition		
7. Control valve a. Operational/exercised		
b. Chained and locked		
8. Pond drain valve a. Operational/exercised		
b. Chained and locked		
9. Outfall channels functioning		
10. Other (specify)		

Maintenance Item	Satisfactory/ Unsatisfactory	Comments
<b>3. Permanent Pool (Wet Ponds) (monthly)</b>		
1. Undesirable vegetative growth		
2. Floating or floatable debris removal required		
3. Visible pollution		
4. Shoreline problem		
5. Other (specify)		
<b>4. Sediment Forebays</b>		
1. Sedimentation noted		
2. Sediment cleanout when depth < 50% design depth		
<b>5. Dry Pond Areas</b>		
1. Vegetation adequate		
2. Undesirable vegetative growth		
3. Undesirable woody vegetation		
4. Low flow channels clear of obstructions		
5. Standing water or wet spots		
6. Sediment and / or trash accumulation		
7. Other (specify)		
<b>6. Condition of Outfalls (Annual , After Major Storms)</b>		
1. Riprap failures		
2. Slope erosion		
3. Storm drain pipes		
4. Endwalls / Headwalls		
5. Other (specify)		
<b>7. Other (Monthly)</b>		
1. Encroachment on pond, wetland or easement area		

Maintenance Item	Satisfactory/ Unsatisfactory	Comments
2. Complaints from residents		
3. Aesthetics		
a. Grass growing required		
b. Graffiti removal needed		
c. Other (specify)		
4. Conditions of maintenance access routes.		
5. Signs of hydrocarbon build-up		
6. Any public hazards (specify)		
<b>8. Wetland Vegetation (Annual)</b>		
1. Vegetation healthy and growing Wetland maintaining 50% surface area coverage of wetland plants after the second growing season. (If unsatisfactory, reinforcement plantings needed)		
2. Dominant wetland plants: Survival of desired wetland plant species Distribution according to landscaping plan?		
3. Evidence of invasive species		
4. Maintenance of adequate water depths for desired wetland plant species		
5. Harvesting of emergent plantings needed		
6. Have sediment accumulations reduced pool volume significantly or are plants "choked" with sediment		
7. Eutrophication level of the wetland.		
8. Other (specify)		

**Comments:**

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**Actions to be Taken:**

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## ZONING

### *280 Attachment 2*

#### Town of Hamburg

#### **Schedule B**

#### **SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT**

Whereas, the Municipality of \_\_\_\_\_ ("Municipality") and the \_\_\_\_\_ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five-year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of \_\_\_\_\_ together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to \_\_\_\_\_.
9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
10. This agreement is effective \_\_\_\_\_.

XXXXX CODE

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## Appendix M

### NYDEC Letter