Proposed Article 24 Wetland Mitigation Plan

for

LOU GEHRIG FIELD PARKING LOTS- 550 SMITH ROAD

Town of Amherst

Erie County, New York

for

Wendel

EARTH DIMENSIONS, INC.
Wetland Delineations • Wetland Mitigation

June 13, 2024

EDI Project Code: **W6D93e**

PROPOSED ARTICLE 24 WETLAND MITIGATION AND RESTORATION PLAN

FOR

LOU GEHRIG FIELD PARKING LOTS- 550 SMITH ROAD

Prepared for Submission to:

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
700 DELAWARE AVENUE
BUFFALO, NEW YORK 14209

Prepared By:

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REPORT DATE: June 13, 2024

EDI PROJECT CODE: W6D93e

PROJECT INFORMATION

Project and Mitigation Site Information

Project Name ..... Lou Gehrig Field Parking Lots

Street Address ..... 550 Smith Road

SBL Number ..... 16.00-4-20.1 & 16.00-4-16.1

Town ..... Amherst

County ..... Erie

State ..... New York

Latitude/Longitude (NAD83) ..... 43.05207°N, -78.71373°W

Hydrologic Unit Code 04120104

General Information

Property Owner (Project and Mitigation Site) ..... Town of Amherst
c/o Jessica Boudreau
1100 North Forest Road
Williamsville, New York 14221

Responsible Parties

Consultant ..... Earth Dimensions, Inc.
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Engineer ..... Wendel

Construction Company ..... NA

Mitigation Site Protection & Maintenance ..... Town of Amherst

Mitigation Monitoring ..... NA

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EXECUTIVE SUMMARY

Wendel, on behalf of the Town of Amherst, has proposed the construction of additional parking at the existing Lou Gehrig Fields at 550 Smith Road project located on the north side of Smith Road in the Town of Amherst, County of Erie, and State of New York. In addition, the applicant is proposing restoration on a 0.815± acre area of state regulated wetland and the creation of a 0.101± acre area of wetland as mitigation. The mitigation is for the unauthorized fill of 0.815± acre of state regulated wetland and proposed impact of 0.067± acre of state regulated wetland and 1.008± acre of regulated adjacent area for additional parking spaces. The project will not impact any federal wetlands. Please see Appendix B: Overall Site Plan and Wetland Impact Map. The restoration area was previously used as overflow parking for ballpark users, was cleared, filled and graded. The proposed parking area impact area is located to the northeast of the restoration area. To compensate for the above wetland losses, Wendel on behalf of the Town of Amherst, is proposing the restoration of 0.815± acres of NYSDEC wetland area and the creation of 0.101± acre of scrub/shrub swamp. The creation and restoration areas will be seeded and planted with a variety of native species.

To compensate for Upland Adjacent Area impacts, the applicant is proposing the enhancement of the adjacent uplands by planting a row of trees along the edges of development. A total of 54 tree plantings will be planted to protect the state regulated arears. In addition, permanent monuments will be placed along the limits of disturbance and deed restrictions will be placed on the remaining wetland and buffer. Please refer to Appendix D-2 for the Project Details.

The proposed state wetland impact area at the Lou Gehrig Field Parking Lots- 550 Smith Road site consisted of a former scrub/shrub swamp. The state wetland restoration area currently consists of mown lawn, gravel areas and successional shrubland. The principal functions of the wetlands include floodflow alteration, wildlife habitat and nutrient removal. The proposed wetland mitigation is intended to compensate for these impacts through the restoration of 0.815± acre of scrub/shrub wetland and the creation of 0.101± acre of scrub/shrub swamp, creating a mitigation basin that will be seeded with an approved wetland seed mix and planted with wetland

shrubs. The created wetland is intended to compensate for and enhance the functions lost from the impact areas.

SECTION I: OVERALL MITIGATION GOALS & OBJECTIVES

The goal of this mitigation project is to create and restore a sustainable scrub/shrub swamp that will replace the wetlands impacted at the proposed Lou Gehrig Field Parking Lots-550 Smith Road project site. Replacing the functions lost by the impact to the existing wetland are critical to the success of the wetland creation area. In addition, this plan is intended to compensate for the impact to NYSDEC Upland Adjacent Area (AA).

The objective of the wetland creation and restoration plan is to replace the wetland impact areas, with a ratio of 1.5:1, creating a minimum of 0.101± acre of scrub/shrub swamp and restoring a minimum of 0.815± acre of scrub/shrub swamp. The creation to impact ratio of 1.5:1 was determined to be appropriate given the quality of the wetland impact area. In addition to the wetland creation, NYSDEC upland adjacent area impacts will be mitigated for through the planting of fifty-four (54) native conifer plantings as well as permanent monuments delineating the limits of protected area and development.

The project design will rely on using the appropriate seed mix and supplemental plantings. Please refer to Section IV for specific seeding and planting details. The Mitigation Plan (Appendix D) includes: a map showing the existing topography within the mitigation area, details of the proposed wetland creation area, cross-section drawings and the proposed monitoring locations.

It is anticipated that the creation area will attract a wide variety of wildlife species and increase the diversity of wildlife utilizing the area. The proposed mitigation design will allow for contrasting diversified habitats for mammals, amphibians, reptiles, and bird species. The newly created wetland will serve as refuge for many of the smaller and more ubiquitous members of the desired wetland community, namely invertebrates.

SECTION II: BASELINE INFORMATION

Appendix A contains Figures that depict the proposed project impact and wetland mitigation plans. The proposed impact site is located on the north side of Smith Road, to the west of the existing parking lot. The proposed mitigation areas are contiguous to NYSDEC Freshwater wetland CC-45 and the impact areas in the Town of Amherst, County of Erie, and State of New York.

2.1 IMPACT SITE CONDITIONS

2.1.1 RESOURCE TO BE IMPACTED

The project consists of the restoration 0.882± acre of unauthorized impact to state jurisdictional wetland and a proposed fill area totaling 0.067± acre, that consists of scrub/shrub swamp. In addition, 1.008± acre of NYSDEC AA is proposed to be impacted by the proposed . It should be noted that there are no impacts to federal wetlands as part of the project.

2.1.2 FUNCTIONAL ASSESSMENT

Appendix C includes the Functions and Values Assessment form prepared by EDI. The primary function and values provided by the wetland area proposed for impact include floodflow alteration, wildlife habitat and sediment/toxicant retention.

2.1.3 UPLAND BUFFERS AND ADJACENT LAND USES

The upland buffer areas adjacent to the current and proposed impact sites consist of mown lawn, gravel parking, ball fields and successional shrubland communities.

2.2 MITIGATION SITE CONDITIONS

2.2.1 EXISTING RESOURCES

The location of the mitigation consists of an area that was previously used as overflow parking for ballpark users, was cleared, filled and graded. The published Soil Survey of Erie County identifies soils within the proposed wetland creation area as Odessa silt

loam. This soil has the potential to contain hydric inclusions and suitable for wetland creation and restoration.

2.2.2 ADJACENT LAND USES

The mitigation site lies within an area adjacent to the ball park and surrounded on other sides by state and federally regulated wetland and regulated upland adjacent area.

2.2.3 PRESENCE OF INVASIVE PLANT SPECIES

The existing wetland on-site contains scattered occurrences of purple loosestrife (*Lythrum salicaria*), reed canary grass (*Phalaris arundinacea*) and cattail (*Typha* spp.). Please refer to Section 4.2.2 for specific recommendations regarding invasive species.

2.2.4 CONTRIBUTIONS OF MITIGATION TO WATERSHED AND/OR REGIONAL FUNCTION

Functions and values to be gained by the watershed include sediment /toxicant retention, floodflow alteration and wildlife habitat. The wetland creation area will provide additional area for retention of toxicants, sediment and nutrients from adjacent development. These functions will be performed by the ability of the mitigation area and adjacent preserved wetland to hold excess storm water, and in turn, remove nutrients and sediment by settling as well as provide quality wildlife habitat.

SECTION III: MITIGATION SITE SELECTION & JUSTIFICATION

3.1 SITE SELECTION

The mitigation site was chosen based on the proximity to the NYSDEC impact areas. Per NYSDEC mitigation requirements, the mitigation location is adjacent to (connected to) the existing NYSDEC Freshwater Wetland (CC-45) that is proposed for impact. The mitigation site has suitable soil characteristics for successful hydrology and there are minimal invasive plant species adjacent to the mitigation site. The mitigation site is currently owned by the Town of Amherst and is therefore available for carrying out the proposed mitigation.

3.2 SITE RESTRICTIONS

Restrictions to the development of the site and the creation of the wetland mitigation include federal and state regulated wetlands and state regulated upland Adjacent Area. There are no listed threatened or endangered species within the site.

SECTION IV: MITIGATION CONSTRUCTION PLAN

EDI recommends that a Pre-Construction meeting take place between the project design team, the earthwork contractor(s) and the project sponsor in order to ensure design specifications are understood.

4.1 TIMING OF WORK AUTHORIZED BY THE PERMIT(S)

4.1.1 REQUIRED DOCUMENTATION

Prior to conducting any work authorized in the NYSDEC Permit, the permittee must comply with any pre-construction Permit requirements including but not limited to any required financial assurances, deed restrictions and pre-notification requirements. In addition, the wetland mitigation must be constructed prior to or concurrently with the construction of the proposed project, unless otherwise specified in the permits.

4.1.2 SWPPP

A Stormwater Pollution Prevention Control Plan will be prepared in accordance with NYS blue book standards by the project engineer.

Silt fencing or other approved siltation control measures should be installed where necessary per NYS bluebook standards to prevent siltation. Silt fence should be installed to prevent inadvertent disturbance to adjacent wetlands. When required, any Permits and/or SWPPP approvals must be posted on-site.

4.2. SITE PREPARATION

4.2.1 SURVEY CONTROL

A licensed land surveyor should locate the footprint of the proposed creation area based on the Mitigation Plans (Appendix D). The perimeter of the work area is to be outlined, using wooden stakes marked with cut and fill information. All contractors should be fully aware of work limits, as well as adjacent wetlands and buffer areas to be avoided. This also includes areas off limits for storage of equipment. Survey control measures must be

implemented during construction of the mitigation area to ensure the wetland is built according to the proposed specifications.

4.2.2 INVASIVE PLANT SPECIES CONTROL PLAN

A wetland delineation was conducted within the project site and invasive plant species were identified at that time. There are known scattered populations of invasive plant species within the adjacent wetland and upland communities. To reduce the potential for introduction of invasive plant species to the mitigation area, it is critical that soils encumbered with invasive species propagules not be re-applied to the mitigation area.

To prevent the unintentional introduction or spread of invasive species, the applicant must ensure that all construction equipment be cleaned of mud, seeds, vegetation and other debris before entering either the project or mitigation site. The construction contractor should guarantee that all equipment and vehicles will be cleaned prior to entering the mitigation area. Loose plant and soil material shall be removed from clothing and boots of any persons entering the mitigation area.

The mitigation area was designed to limit the spread of invasive species. The monitoring protocol calls for close monitoring of invasive species. If invasive species are found, at any time, removal methods will include, but are not limited to manual removal. Contingent on the extent of potential invasions, other methods may be employed.

4.2.3 SOILS

It is recommended that the wetland be constructed during a drier time of the year in order to aid in the ease of construction and to minimize the disturbance of the surrounding areas and the destruction of the granular soil structure of the topsoil. Soil compaction and destruction of the subsoil /substratum soil structure will inhibit proper drainage and desired plant growth as well as encourage invasive plant establishment. The project will be constructed using on-site soils. The excavated subsoil from the construction of the wetland mitigation area will be utilized within the development footprint. Excess soils will not be placed in any regulated wetlands or buffers.

The following Earthwork protocols are being recommended:
(1) Strip the gravel off of the former parking areas. Strip the topsoil (if present) from the restoration and creation areas and stockpile in a separate staging area for re-use as a seed bed in the appropriate zone and as fill for future construction. (No stockpiling of topsoil or subsoil will occur within any regulated wetlands or buffers).

(2) Excavate as per specifications shown on the Mitigation Plans included in Appendix D. It is recommended that low impact and or tracked equipment is utilized in the construction of the mitigation area. Rough finish grading should create rough surfaces on all side slopes and a ragged shoreline. It is important that survey control be established in order to assure that the final planned elevations are obtained. The wetland mitigation area should be over-excavated by six (6) inches to allow for the reapplication of topsoil.

(3) Place a minimum of six inches of topsoil within the wetland creation area and to bring the restoration and creation areas to the proposed elevations shown on the Mitigation Plans in Appendix D. This soil should come from the topsoil excavated from this area (if present) but must be free of rocks, debris, gravel or invasive species propagules, in which case the topsoil should be sourced from an area that does not contain gravel or invasive plant parts or seeds. If no topsoil is present within the restoration or creation areas, clean topsoil may be imported.

(4) It is critical if heavy equipment and or untracked equipment is utilized within the mitigation areas that the soils are decompacted prior to planting. The soils should be fluffed-ripped using a disc, chisel plow or other means prior to planting. Disc the surface to an approximate depth of six (6) inches after topsoil has been replaced within ALL creation and restoration areas. While performing decompacting efforts, avoid mixing subsoil and topsoil to the maximum extent possible. After disking, a hand operated cone penetrometer or other method should be used to confirm acceptable compaction levels and planting can commence.

4.2.4 HYDROLOGY

The success of mitigation relies primarily on attaining wetland hydrology. The creation areas are underlain by Odessa and Lakemont silt loam soils. The parent material of Odessa soils consists of very deep, somewhat poorly drained soils formed in red, clayey lacustrine deposits. These soils are in moderately low areas on lake plains and valley terraces. Slope ranges from 0 to 20 percent. Mean annual temperature is 8 degrees C (46 degrees F), and mean annual precipitation is 995 mm (39 in). The parent material of Lakemont soils consists of deep, poorly drained and very poorly drained soils of lake plains. They are nearly level soils formed in very slowly permeable reddish colored clayey lacustrine sediments. Slope ranges from 0 to 3 percent. Permeability is moderately slow in the surface and very slow in the subsoil sand substratum. Mean annual temperature is about 48 degrees F. and mean annual precipitation is about 34 inches.

Hydrology is expected to imitate the adjacent wetland areas. The wetland creation will be connected to the existing wetland to the east and the proposed elevations will mimic those elevations. The design will rely heavily on seasonal saturation and inundation from the adjacent wetland community.

As shown on the wetland cross-sectional drawings included as Appendix D-3, EDI is proposing one (1) hydrologic zone to correspond with the proposed vegetative community, scrub/shrub swamp. The creation and restoration areas are proposed to have 2-8 inches of seasonal inundation. The side slopes to the mitigation basin are proposed at a minimum 4:1 slope. It is anticipated that the creation and restoration areas will have periods of fluctuation and will likely have decreased water levels and/or draw down during dry summer months or increased amounts in certain cases of high precipitation or runoff.

4.2.5 PLANTING/SEEDING

Immediately following mitigation construction, all areas including wetland restoration and creation areas and disturbed upland areas should be seeded with the respective seed mixtures and rates specified in Section 5. The upland areas and side slopes to the

creation and restoration areas should be seeded and mulched with clean straw to reduce soil erosion and to keep the soil moist for germination. Planting of the proposed wetland shrubs should take place concurrent with seeding or during the fall after seeding.

The following Seeding/Planting protocols are being recommended:
(1) It is recommended that an appropriate cover crop be added to seeded areas to promote the proper moisture and shade levels for optimal plant growth. Annual rye germinates rather quickly and provides nursery crop for wetland seed as well as adding to the organic layer when it dies back. In addition, straw mulch is recommended to further optimize germination and growth. Hay is not to be used as mulch, as it may contain many seeds of undesirable invasive species that may spread throughout the mitigation areas.

(2) It is recommended that seeding be completed prior to June 15th or after September 15th. Seeding during drier times may require some type of irrigation to promote germination. It is also recommended that hydro-seeding techniques be avoided due to the light requirements required for the germination of many wetland species. Hydro-seeding fibers can block the solar rays and deter the wetland seed mixture from proper germination and ultimately affect the success of the mitigation.

(3) Upon completion of seeding the mitigation area, the upland buffer tree planting and the wetland restoration and creation area shrub plantings are to be installed as per specifications outlined in Section 5.2.1.

(4) Branches and logs will be placed opportunistically throughout the wetland restoration and creation areas. The additional woody material will not only increase the habitat diversity within the area, but also deter potential anthropogenic impacts (e.g., all-terrain vehicle damage).

SECTION V: PLANTING AND ENHANCEMENT PLAN

5.1 SPECIFICATIONS AND CHARACTERISTICS

The wetland restoration and creation areas are proposed as scrub/swamp communities. Shrub plantings will be throughout the wetland creation and restoration areas, a total of 183 shrubs will be planted. Tree plantings will be placed along the limits of disturbance, a total of 54 trees will be planted as part of the mitigation plans. A Northeast Wetland Forest Herb Mix will be used for the scrub/shrub swamp restoration areas and a Native Wetland Hummock Mix will be used in the wetland creation areas. Any upland areas disturbed by the wetland creation or restoration work will be seeded with a Northeast Upland Native/Naturalized Wildflower mix. The purpose is to create a diverse habitat, maximizing the variety of species to inhabit this area. The project design relies on natural colonization and growth of existing propagules as well as the appropriate seed mix.

It is anticipated that the water levels in the scrub/shrub swamp will fluctuate between 0 and 8 inches during portions of the wetter portions of the growing season. The proposed bottom elevation of the restoration and creation areas is set between elevations of 577.5 & 578 feet. The scrub/shrub swamp is anticipated to draw down in the summer months similar to the hydrology of the wetlands adjacent to the creation and restoration areas.

5.2 PLANTING PLAN

As outlined below, the wetland creation and restoration areas are proposed to include shrub plantings, a forested wetland and hummock wetland mix. The on-site regulated adjacent area mitigation consists of a row of native conifer plantings as well as permanent monuments proposed between the development footprint and the jurisdictional area boundary.

5.2.1 WETLAND CREATION AND RESTORATION AREAS

WETLAND SHRUB PLANTING

One hundred and eighty-three (183) shrub plantings are proposed for the wetland creation and restoration areas. The shrubs proposed for planting within the mitigation area were selected by considering soil conditions, climate, hydrology, inundation tolerance, shade tolerance, wildlife benefit and other factors in determining suitable species for planting. The following species and amounts were selected:

Common Name	Latin Name	Indicator Status	Number of Plantings	Type
Silky Willow	*Salix sericea*	FACW	61	Live Stake
Silky Dogwood	*Cornus amomum*	FACW	60	Live Stake
Pussy Willow	*Salix discolor*	FACW	62	Live Stake

The wetland creation and restoration areas are designed to be a scrub/shrub swamp community. The plan utilizes the expectation that volunteer shrub species will establish in addition to the planted shrubs. The planting scheme is random to mimic what occurs naturally.

WETLAND SEEDING

Wetland seeding with a cover crop is scheduled for this area followed immediately by straw mulch to retain moisture. It is expected that ground water and precipitation will allow for proper hydrology within the basin. Vegetation is expected to come from previously existing native species as well as the seed mixes. The seed mix can take up to a year to germinate as some wetland species seeds need to cold stratify before emerging. The applicant is proposing the following seed mix for the wetland creation and restoration areas:

Cover Crop Recommended at ten pounds per acre			
Common Name	**Latin Name**	**Indicator Status**	**Percent by Number of seeds (not weight)**
Annual Rye Grass	*Lolium multiflorum*	NI	100%

Northeast Wetland Hummock Mix
Scrub/Shrub Swamp Wetland Creation and Restoration Areas
Recommended at 3.5 pounds per acre

Percent by No. of seeds (not weight)	Scientific Name	Common Name
43.6%	*Scirpus atrovirens*	Green Bulrush
19.0%	*Juncus effusus*	Soft Rush
33.5%	*Carex vulpinoidea*	Fox Sedge
1.3%	*Leersia oryzoides*	Rice Cut Grass
1.3%	*Carex comosa*	Bearded Sedge
0.9%	*Carex crinita*	Fringed Sedge
0.2%	*Carex lurida*	Shallow Sedge
0.2%	*Carex lupulina*	Hop Sedge

Northeast Wetland Forest Herb Mix
Hardwood Swamp
Recommended at four pounds per acre

Percent by No. of seeds (not weight)	Scientific Name	Common Name
25.96%	*Scirpus atrovirens*	Green Bulrush
25.41%	*Scirpus cyperinus*	Wool Grass
8.33%	*Carex vulpinoidea*	Fox Sedge
7.68%	*Glyceria canadensis*	Canada Mannagrass
7.63%	*Verbena hastata*	Blue Vervain
6.02%	*Glyceria grandis*	Reed Meadowgrass
5.70%	*Glyceria striata*	Fowl Mannagrass
2.12%	*Panicum clandestinum*	Deertongue
1.53%	*Verbena urticifolia*	White Vervain
1.51%	*Glyceria melicaria*	Melic Mannagrass
0.94%	*Boehmeria cylindrica*	False Nettle
0.94%	*Urtica dioica*	Stinging Nettle
0.85%	*Solidago gigantea*	Giant Goldenrod
0.85%	*Solidago rugosa*	Wrinkled Goldenrod
0.75%	*Cinna arundinacea*	Wood Reed
0.62%	*Leersia virginica*	Whitegrass
0.57%	*Cephalanthus occidentalis*	Buttonbush
0.45%	*Elymus canadensis*	Wild Rye
0.38%	*Sium suave*	Water Parsnip
0.32%	*Elymus virginicus*	Virginia Wild Rye
0.29%	*Polygonum pensylvanicum*	Pennsylvania Smartweed
0.24%	*Geum macrophyllum*	Large-Leaf Avens
0.22%	*Elymus riparius*	Riverbank Wild Rye
0.19%	*Rumex verticillatus*	Water Dock
0.16%	*Asclepias incarnata*	Swamp Milkweed
0.09%	*Carex lurida*	Shallow Sedge
0.09%	*Lilium superbum*	Turk's Cap Lily
0.09%	*Rubus allegheniensis*	Blackberry
0.07%	*Carex lupulina*	Hop Sedge

5.2.2 UPLAND ENHANCEMENT AREAS, AREAS DISTURBED BY CONSTRUCTION, UPLAND BUFFERS

UPLAND TREE PLANTING

Fifty-four (54) tree plantings are proposed for the upland buffer area. The tree plantings will be placed along the limits of the impact areas, within the 100-foot upland adjacent area to Freshwater Wetland CC-45. The trees proposed for planting

within the enhancement areas were selected by considering soil conditions, climate, hydrology, wildlife benefit and other factors in determining suitable species for planting. The planting scheme is random to mimic what occurs naturally.

The following species and amounts were selected:

Common Name	Latin Name	Number of Plantings	Type
White Spruce	*Picea glauca*	13	#3 Container
White Pine	*Pinus strobus*	14	#3 Container
Eastern Red Cedar	*Juniperus virginiana*	14	#3 Container
Arborvitae	*Quercus palustris*	13	#3 Container

UPLAND SEEDING

Upland areas disturbed by the construction of the wetland creation area will need to be seeded and mulched immediately after the earthwork has been completed in order to stabilize these areas and minimize the risk of soil erosion. The Applicant is proposing the following seed mixes for all disturbed upland areas:

Northeast Upland Native/ Naturalized wildflower Mix
Hardwood Swamp
Recommended at twenty-three pounds per acre

Common Name	Latin Name	Percent by Number of seeds (not weight)
Sheep Fescue	*Festuca ovina*	28.1%
Switchgrass	*Panicum virgatum*	26.0%
Foxtail Millet	*Setaria italica*	15.3%
Sweet Vernal Grass	*Anthoxanthum odoratum*	12.8%
Annual Ryegrass	*Lolium multiflorum*	11.1%
Wild Rye	*Elymus canadensis*	6.7%
Common Yarrow	*Achillea millefolium*	47.5%
Black Eyed Susan	*Rudbeckia hirta*	9.1%
Ox-Eye Daisy	*Chrysanthemum leucanthemum*	7.5%
Blue Vervain	*Verbena hastata*	7.4%
Cichory	*Cichorium intybus*	7.3%
Birdsfoot Trefoil	*Lotus corniculatus*	6.8%
Dame's Rocket	*Hesperis matronalis*	5.0%
Queen Anne's Lace	*Daucus carota*	2.2%
Canada Goldenrod	*Solidago canadensis*	2.0%
Grass Leaf Goldenrod	*Euthamia graminifolia*	2.0%
Wild Bergamot	*Monarda fistulosa*	1.5%
New England Aster	*Aster novae-angliae*	1.3%
Common Milkweed	*Asclepias syriaca*	0.4%

5.3 HABITAT ENHANCEMENT EFFORTS

5.3.1 NATURAL HABITAT ENHANCEMENTS

The existing regulated adjacent area will be enhanced by tree plantings to promote increased habitat and diversity. In addition to the proposed tree plantings, the Adjacent Area where the trees will be planted will not be mowed as it was in the past. When mowing is stopped, the natural vegetation will diversify, and shrubs and saplings will begin growing.

5.3.2 BUFFERS

The mitigation area will be buffered from the adjacent development by existing wetland to the north and west of the proposed impact areas. These buffers are sufficient to protect the natural resources of the existing wetlands and the proposed wetland restoration and creation areas.

5.3.3 EXPECTED VOLUNTEER SPECIES

It is expected that existing native volunteer species will also establish in the proposed mitigation area. Most of these will come from adjacent seed sources. The species in the vicinity of the mitigation area which are anticipated to establish include: pin oak (*Quercus palustris*), American elm (*Ulmus americana*), upright sedge (*Carex stricta*), pussy willow (*Salix discolor*) and common rush (*Juncus effusus*).

SECTION VI: PERFORMANCE STANDARDS

Performance goals for shallow emergent marsh:

6.1 CREATION ACREAGE

The project will include at a minimum, the restoration of two areas previously impacted which total 0.815± acre of scrub/shrub swamp and mitigation for the proposed wetland impact area of 0.067 acre with a minimum ratio of 1.5:1, creating approximately 0.101± acre of scrub/shrub swamp. In addition, 1.008± acres of regulated upland adjacent area is proposed to be impacted by this project. For this upland impact, enhancement is proposed which includes the planting of native conifer trees, ceasing of mowing activities and adding permanent monuments delineating the limits of protected area and proposed development.

6.2 VEGETATION STRUCTURE

Establish and maintain 85% coverage of beneficial FAC, FACW, and OBL species; total coverage shall meet or exceed 80%, with no more than 50% coverage of one species. Less than 5% of the wetland vegetative composition will include invasive species (i.e., Lythrum salicaria and Phragmites australis).

6.3 HYDROLOGY/ WATER LEVELS

Establish and maintain seasonal inundation/saturation of between 0 and 8 inches of water, for at least 12.5% of the growing season for 80% of the monitoring years.

6.4 HABITAT ATTRIBUTES

The wetland creation area will provide adequate protection and habitat for an array of nesting birds, amphibians and reptiles.

SECTION VII: CONSTRUCTION MONITORING & POST CONSTRUCTION MONITORING REQUIREMENTS

7.1 BASELINE POST CONSTRUCTION REPORT

A Baseline Post-Construction report must be submitted to the New York State Department of Environmental Conservation by December 31 of the year of construction completion (including all site grading, seeding and/or planting activities).

This baseline report must include the following:

1. An as-built topographic survey of the mitigation area including all as-built elevations completed by a licensed land surveyor at 0.5' (1/2') contour intervals.
2. Photographs from fixed locations including a photo-location map.
3. A list of plants introduced through seeding and/or planting including approximate planting and/ or seeding dates.
4. Water depth and date of measurement from representative locations within the mitigation area. The sample points will be fixed locations and shall be plotted on a map.
5. A detailed description of all time-of-construction field design modifications to the original design plans.

7.2 ANNUAL MONITORING REQUIREMENTS

The permittee is required to submit annual monitoring reports to the NYSDEC for the five (5) years following completion of construction and initial planting efforts. Please see Appendix E for the proposed Maintenance and Inspection Schedule. The report must include a summary of the data collected between May and October for that monitoring year.

These reports must include the following:

1. Comparison of site conditions to an as-built survey.
2. Wetland Delineation including a map of the wetland boundary.
3. Photographs (minimum of 5) from fixed locations including a photo-location map.
4. A plants species list including wetland indicator status, strata, dominant plants and aerial coverage.
5. A list of plants introduced through seeding and/or planting.

6. Water depth and date of measurement from representative locations within the mitigation area during the growing season. The sample points will be fixed locations and shall be plotted on a map.
7. Fish and wildlife observations at the mitigation site.
8. A summary statement regarding the perceived success of the wetland creation project. The report will evaluate the goals/performance standards as set forth in the permit or mitigation plan as well as current wetland functions. These reports must also address any potential problem areas and include suggestions and a timetable for correction if it is anticipated that projected goals may not be met.
9. Date(s) of field inspection(s).

SECTION VIII: LONG-TERM SITE MANAGEMENT

8.1 FUTURE LAND USE PLANS

There are no future planned uses for the mitigation site. Areas to the east are being utilized for existing ball fields and parking. It is anticipated that the mitigation site will be utilized for recreation and educational purposes by nearby residents. It is EDI's opinion that these future land use plans are compatible with the mitigation project.

8.2 REAL ESTATE RESTRICTIONS

There are no existing deed restrictions or right-of-way agreements which would prevent or restrict the development of the mitigation area. There are no current restrictions on the mitigation area.

8.3 MITIGATION SUSTAINABILITY

The project has been designed to be sustainable and self-maintaining. Once the wetland hydrology and hydrophytic vegetation has been established, it is anticipated that the wetland will continue to function without human intervention.

8.4 ADAPTIVE MANAGEMENT PLAN

The Applicant will be responsible for first successfully meeting the short-term requirements of the permit, including any necessary adaptive management measures. If invasive species control measures are required, the Applicant will develop a plan to control the species that establish and present a plan to NYSDEC for approval. Minor occurrences of invasive species will be manually removed during scheduled monitoring visits. Should hydrology not properly establish, the Applicant will develop a plan to attain planned hydrology.

LOU GEHRIG FIELD PARKING LOTS- 550 SMITH ROAD

Appendix A - Figures

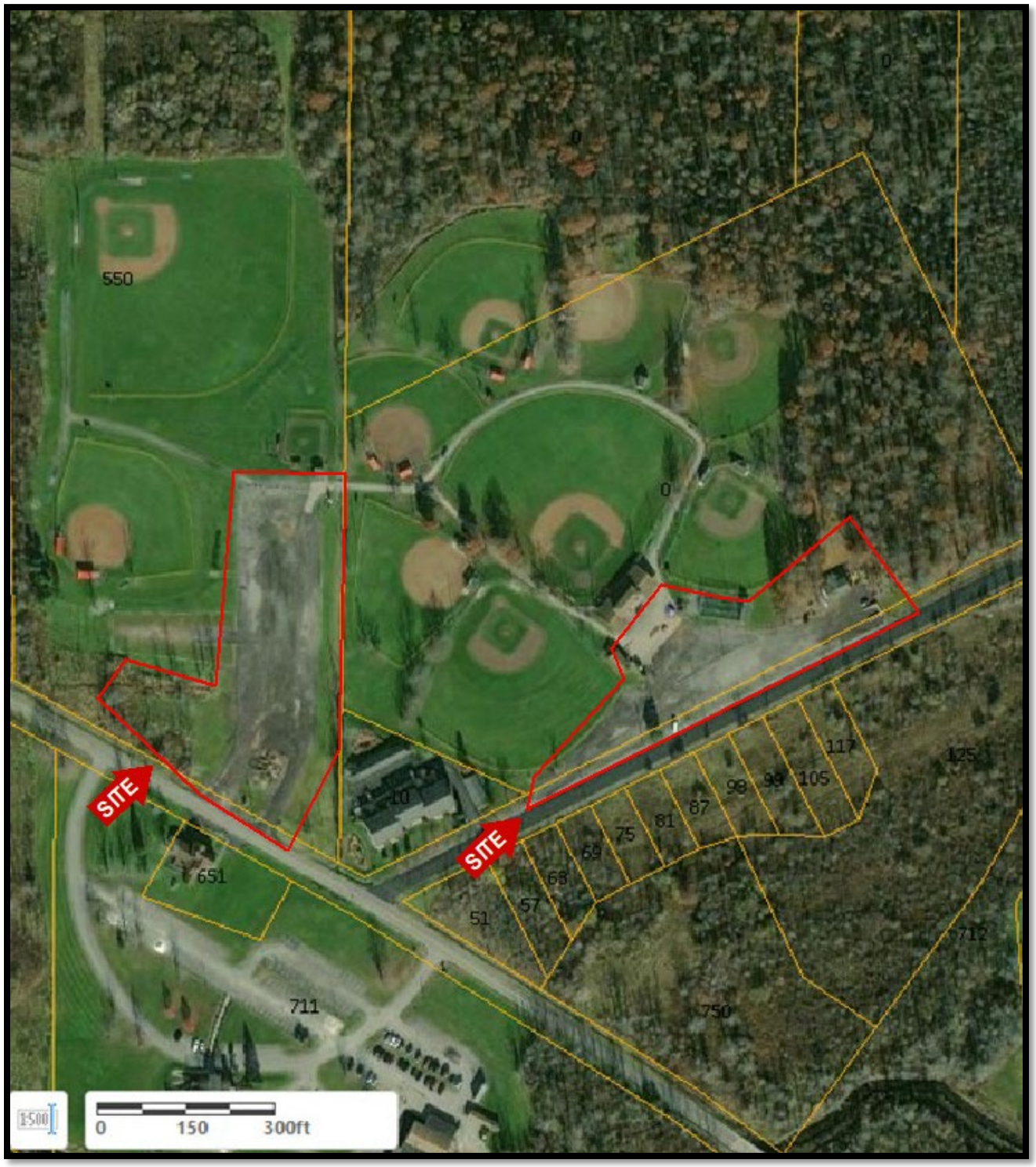

Figure 1: Aerial Photograph

http://gis2.erie.gov/HTML5/ErieCountyNY/PublicLaunchPage.aspx

Lou Gehrig Field Parking Lots- 550 Smith Road

Town of Amherst, Erie County, New York

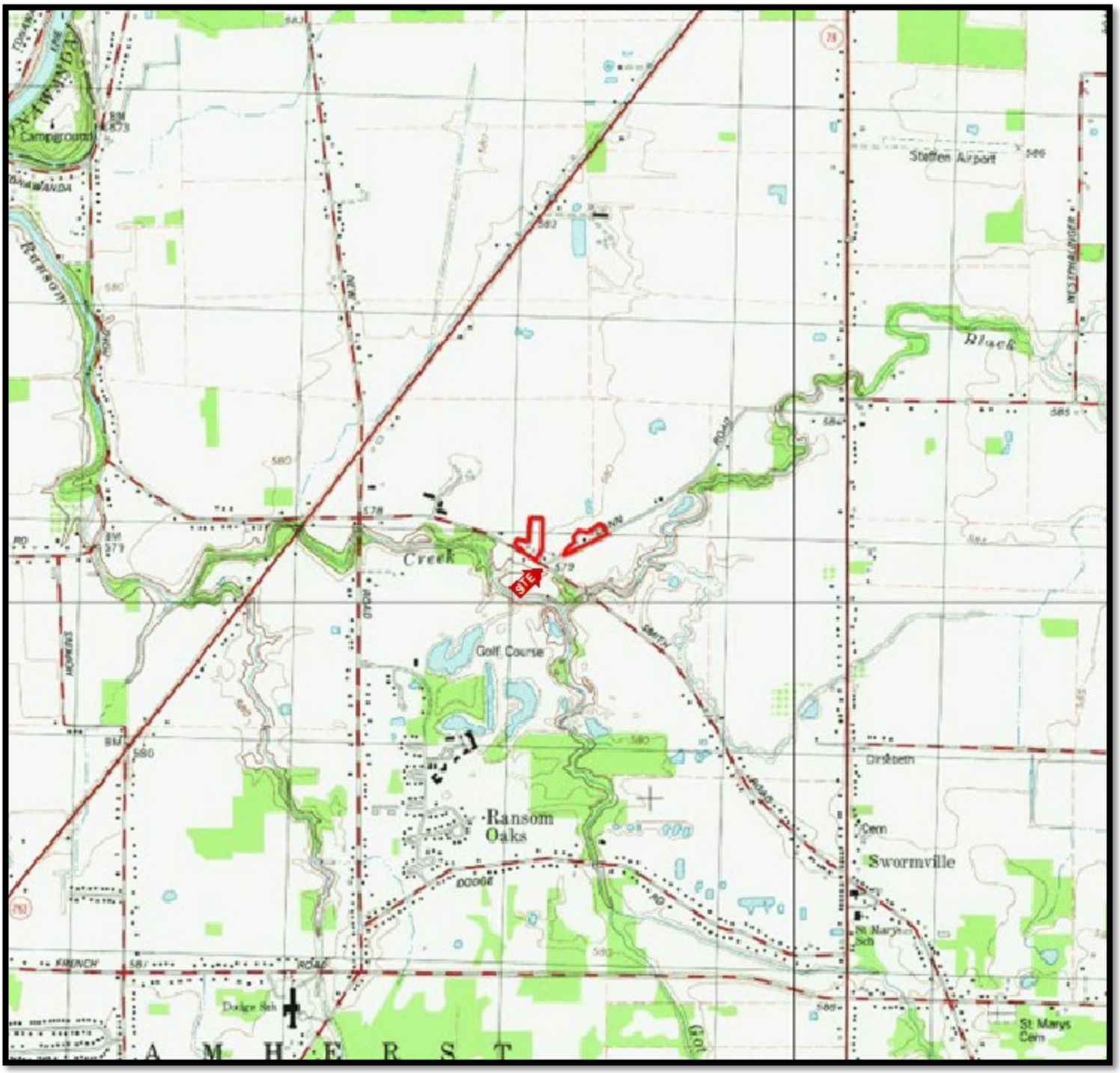

Figure 2: USGS 7.5 Minute Topographical Map

Clarence Center Quadrangle / 2002 DeLorme

Lou Gehrig Field Parking Lots- 550 Smith Road

Town of Amherst, Erie County, New York

Figure 3: National Wetlands Inventory Map

http://www.fws.gov/wetlands/data/mapper.HTML

Lou Gehrig Field Parking Lots- 550 Smith Road

Town of Amherst, Erie County, New York

Figure 4: NRCS Erie County Soil Survey Map

http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

Lou Gehrig Field Parking Lots- 550 Smith Road

Town of Amherst, Erie County, New York

Figure 5: NYSDEC Environmental Resource Mapper

http://www.dec.ny.gov/imsmaps/ERM/viewer.htm

Lou Gehrig Field Parking Lots- 550 Smith Road

Town of Amherst, Erie County, New York

LOU GEHRIG FIELD PARKING LOTS- 550 SMITH ROAD

Appendix B - Overall Site Plan & Wetland Impact Map

NORTH

Appendix B: Overall Site Plan and Wetland Impact Map
Lou Gehrig Field Parking Lots
Town of Amherst Erie County, New York

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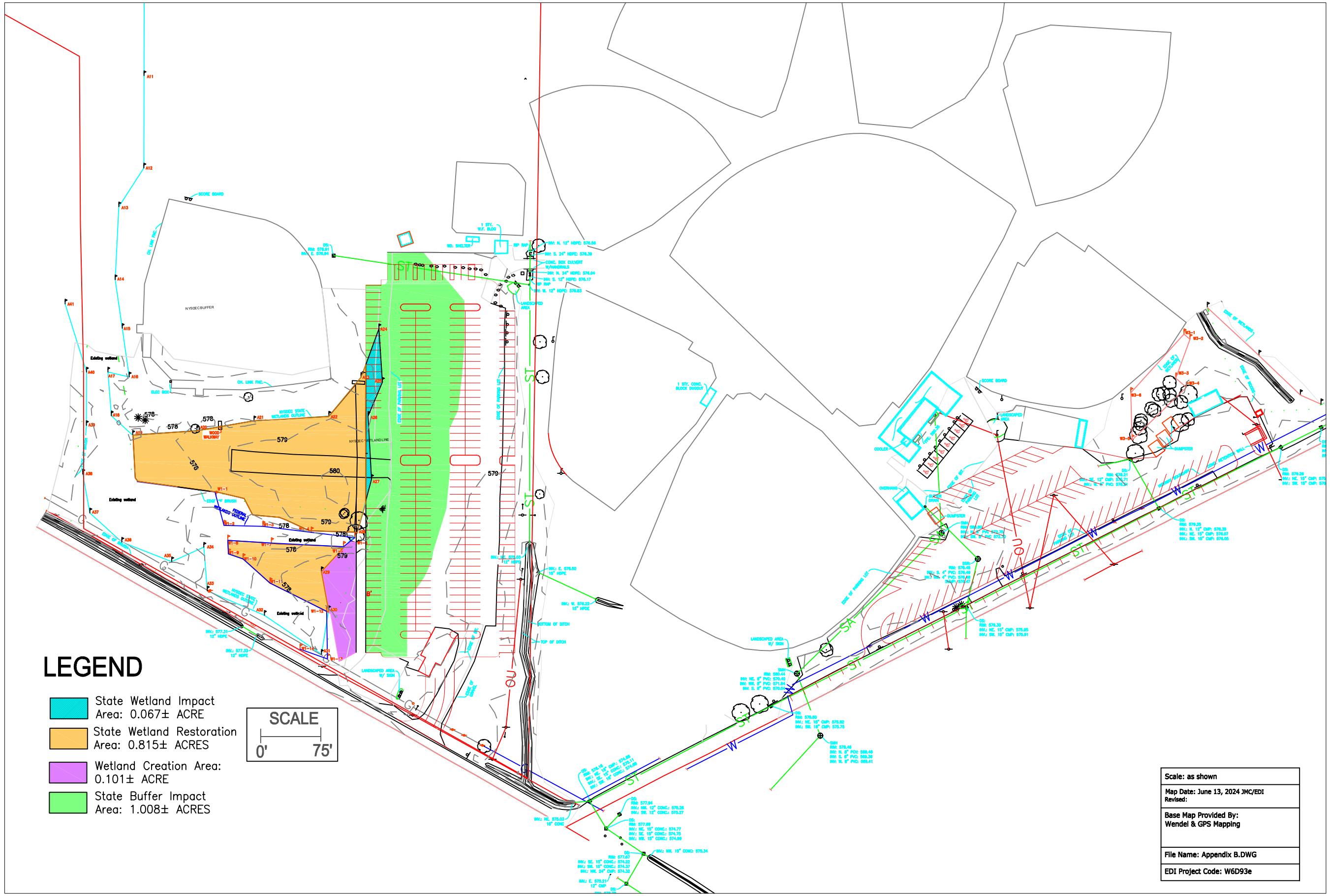
Wetland Delineations • Wetland Mitigation



LOU GEHRIG FIELD PARKING LOTS- 550 SMITH ROAD

Appendix C - Functional Assessment Data Form

Wetland Function-Value Evaluation Form

Total area of wetland 0.067± acres Human made? No s wetland part of a wildlife corridor? Yes or a "habitat island"? No

Adjacent land use undeveloped, recreational facilities Distance to nearest roadway or other development <20 feet

Dominant wetland systems present PSS/EM Contiguous undeveloped buffer zone present No

Is the wetland a separate hydraulic system? No If not, where does the wetland lie in the drainage basin? Contiguous to Black Creek corridor across road.

How many tributaries contribute to the wetland? 2 Wildlife & vegetation diversity/abundance (see attached list)

Please refer to the Wetland Delineation Report. dated 04-21-2022

Wetland I.D. Wetland 1

Latitude 43.05274ºN Longitude -78.71543ºW

Prepared by: JMC/EDI Date 05-14-2024

Wetland Impact: Type Fill Area 0.0.067± acre

Evaluation based on: Office X Field X

Corps manual wetland delineation completed? Y X N

Function/Value	Suitability Y	Suitability N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
Groundwater Recharge/Discharge		N	7,15	N	Topographic gradient is minimal, overland flow present, retention low
Floodflow Alteration	X		1,5,6,7,9	Y	Flood storage potential in wetland, adjacent to impervious surfaces
Fish and Shellfish Habitat		X	NA	N	NA
Sediment/Toxicant Retention	X		1,2,3,5,7,8	Y	Sediments held temporarily during low flow events
Nutrient Removal		X	3,9	N	Potential for nutrient and sediment removal exists.
Production Export		X	1,4,12	N	Overland flow constricted by topographic gradient
Sediment/Shoreline Stabilization		X	3	N	Low flow volumes
Wildlife Habitat	X		5,6,7,8,17,19,20,21	Y	Wildlife habitat exists, mediocre quality due to invasive species and minor distrubances
Recreation	X		1,4,5,10	Y	Has potential for recreational opportunities since located on town owned lands
Educational/Scientific Value		X	5	N	No known education uses currently
Uniqueness/Heritage		X		N	NA
Visual Quality/Aesthetics		X	8	N	NA
ES Endangered Species Habitat		X		N	None found or known to occur on-site.
Other					

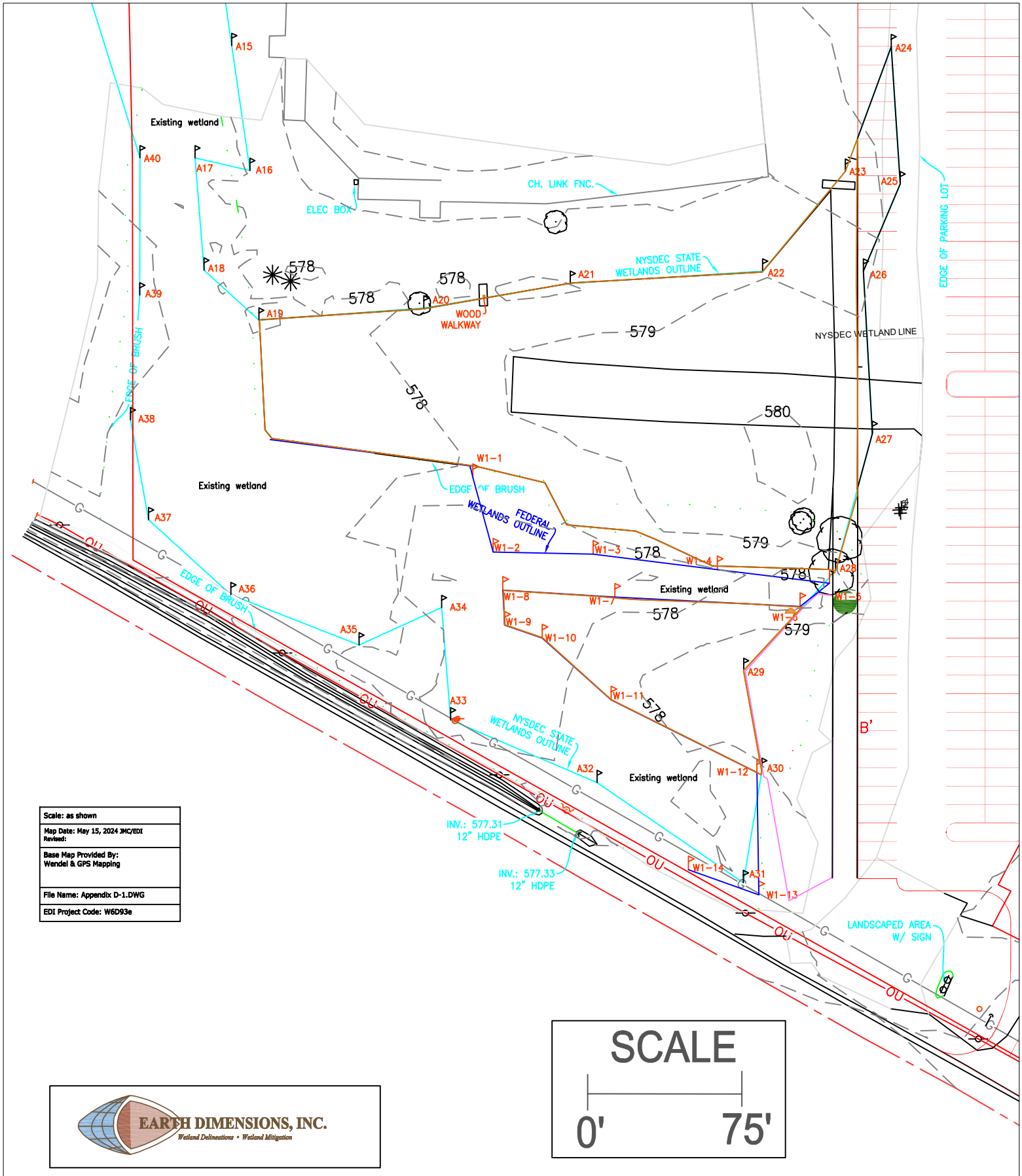
Notes:

* Refer to backup list of numbered considerations.

LOU GEHRIG FIELD PARKING LOTS- 550 SMITH ROAD

Appendix D - Mitigation Plans

Appendix D-1: Topography Map
Lou Gehrig Field Parking Lots
Town of Amherst Erie County, New York



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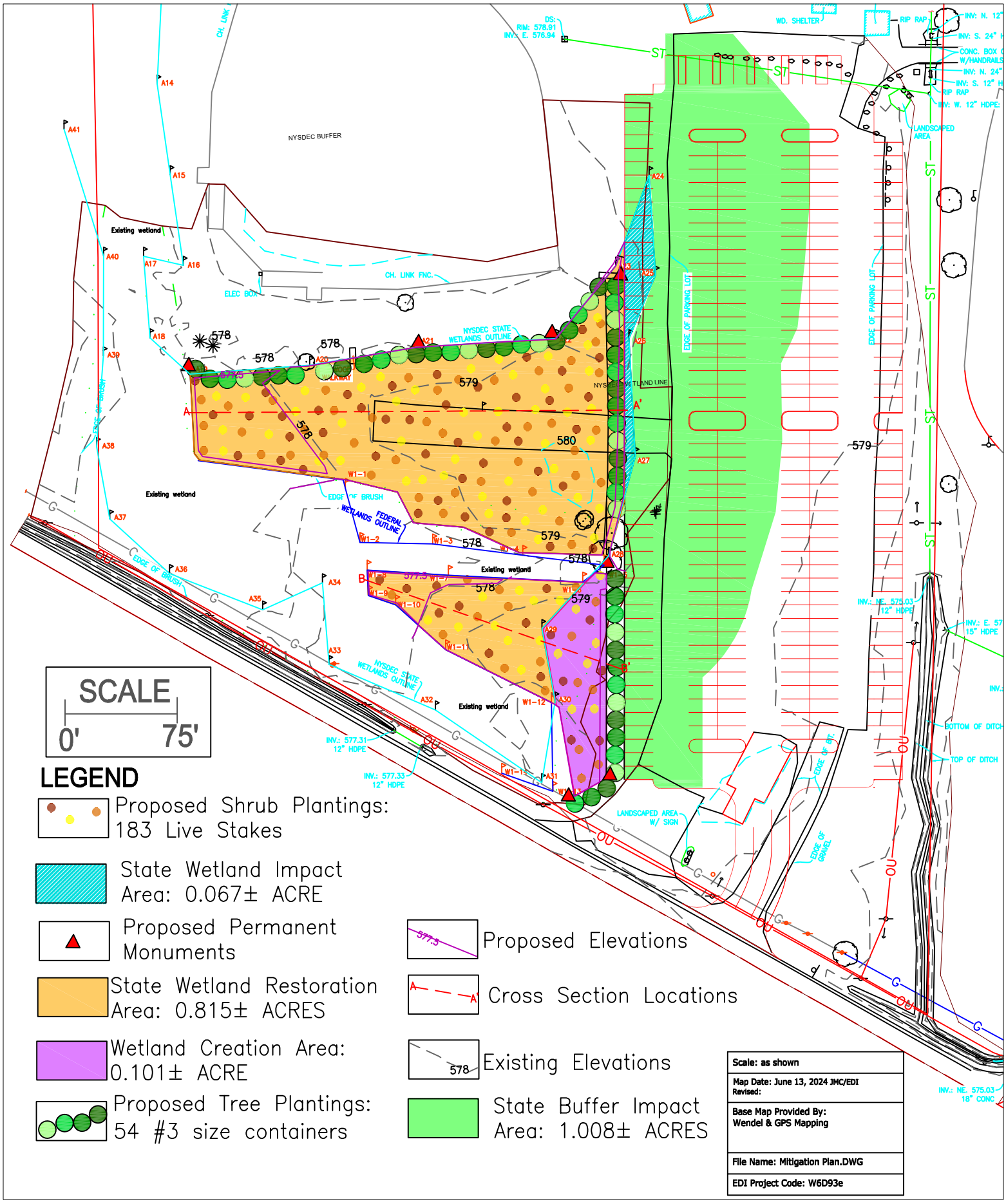
Appendix D-2: Project Details
Lou Gehrig Field Parking Lots
Mitigation Plan
Town of Amherst Erie County, New York

NORTH



SCALE
0' 75'

LEGEND

- Proposed Shrub Plantings: 183 Live Stakes
- State Wetland Impact Area: 0.067± ACRE
- Proposed Permanent Monuments
- State Wetland Restoration Area: 0.815± ACRES
- Wetland Creation Area: 0.101± ACRE
- Proposed Tree Plantings: 54 #3 size containers
- 577.3 Proposed Elevations
- A – A' Cross Section Locations
- 578 Existing Elevations
- State Buffer Impact Area: 1.008± ACRES

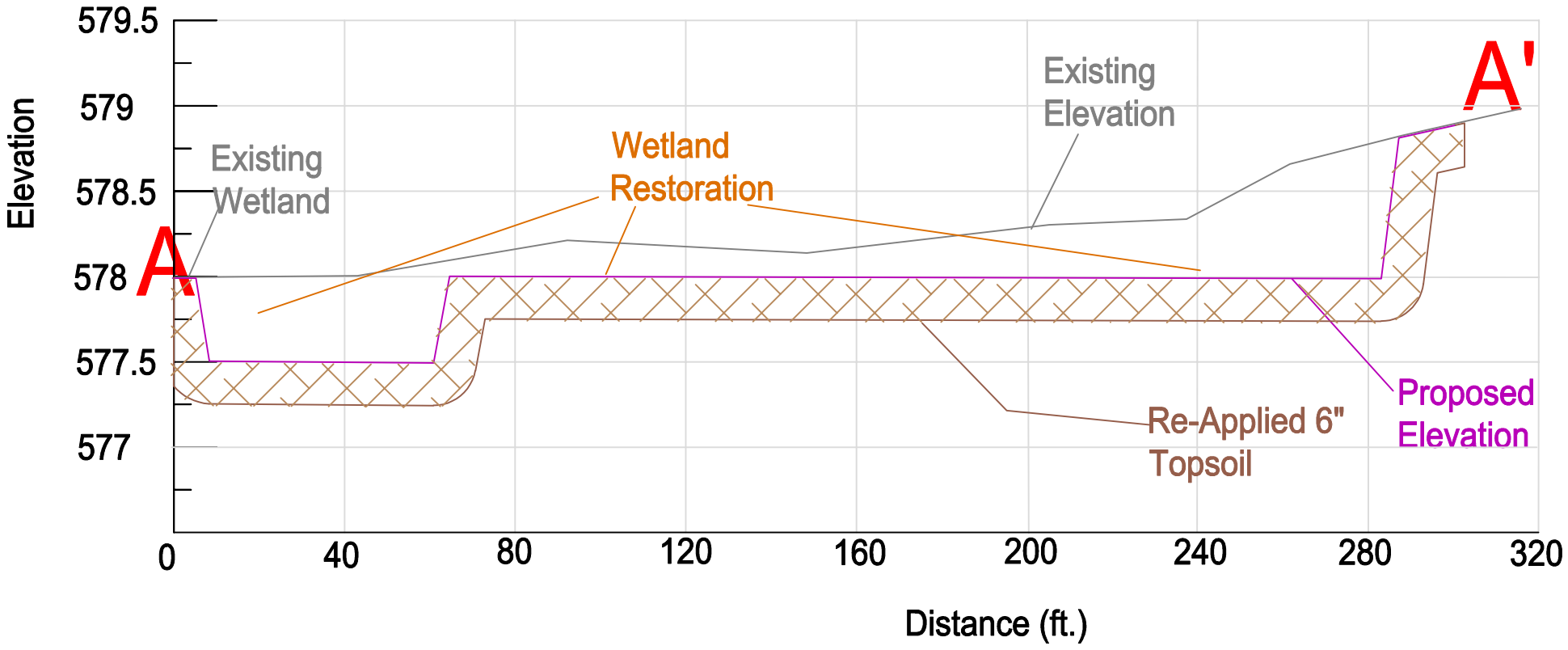
Scale: as shown
Map Date: June 13, 2024 JMC/EDI Revised:
Base Map Provided By: Wendel & GPS Mapping
File Name: Mitigation Plan.DWG
EDI Project Code: W6D93e

EARTH DIMENSIONS, INC.
Wetland Delineations • Wetland Mitigation

Appendix D-3 - Cross Section A-A'

Lou Gehrig Field Parking Lots- 550 Smith Road

Town of Amherst Erie County, New York



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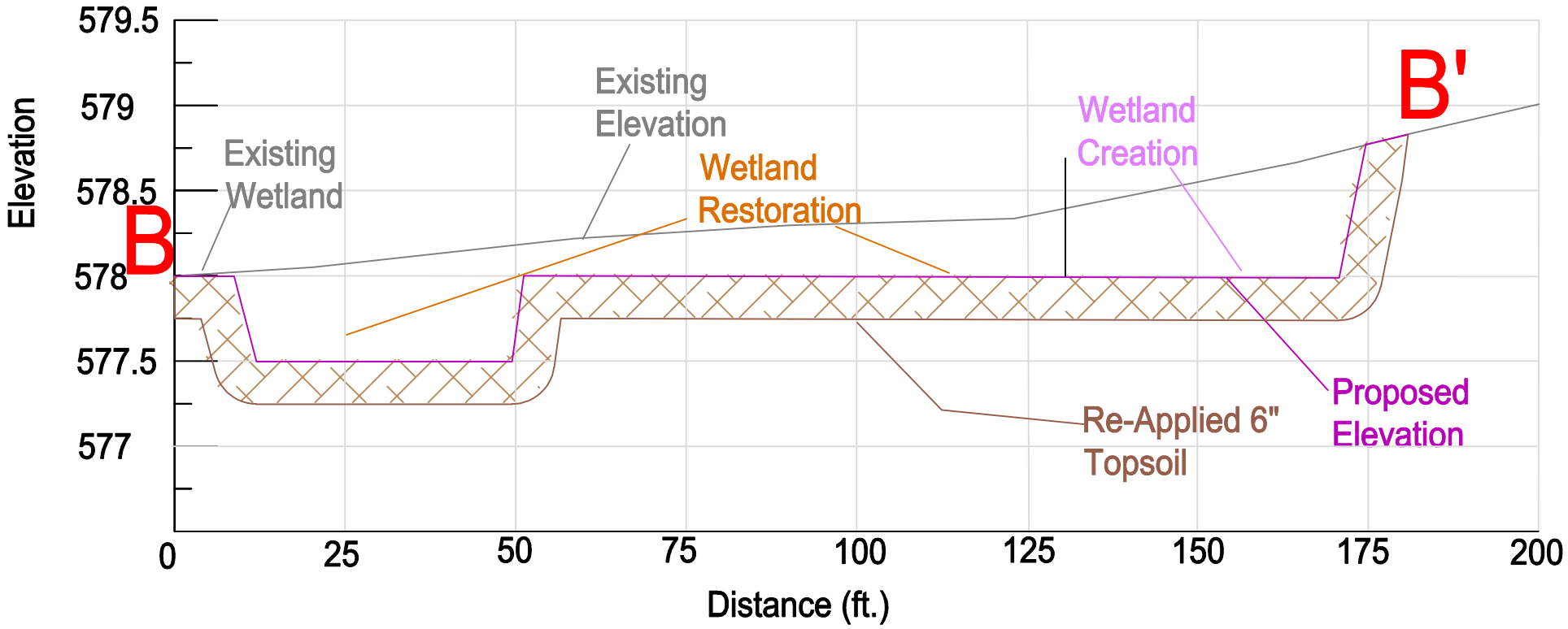
Appendix D-3 - Cross Section B-B'
Lou Gehrig Field Parking Lots- 550 Smith Road
Town of Amherst Erie County, New York



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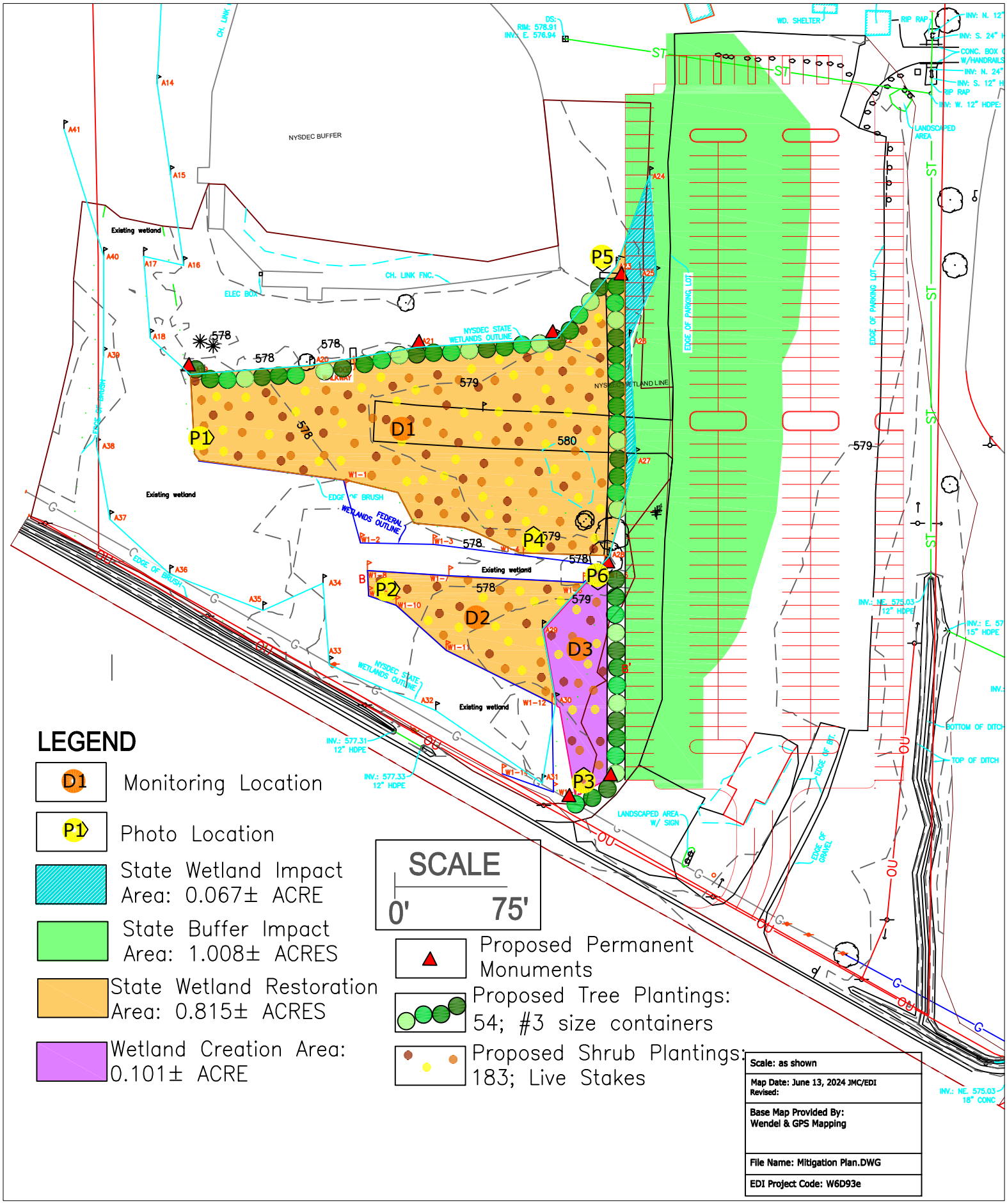
Appendix D-4: Annual Monitoring
Benchmark Map
Lou Gehrig Field Parking Lots Mitigation Plan
Town of Amherst Erie County, New York

NORTH



LEGEND

- D1 — Monitoring Location
- P1 — Photo Location
- State Wetland Impact Area: 0.067± ACRE
- State Buffer Impact Area: 1.008± ACRES
- State Wetland Restoration Area: 0.815± ACRES
- Wetland Creation Area: 0.101± ACRE

SCALE
0' 75'

- Proposed Permanent Monuments
- Proposed Tree Plantings: 54; #3 size containers
- Proposed Shrub Plantings: 183; Live Stakes

Scale: as shown
Map Date: June 13, 2024 JMC/EDI Revised:
Base Map Provided By: Wendel & GPS Mapping
File Name: Mitigation Plan.DWG
EDI Project Code: W6D93e

LOU GEHRIG FIELD PARKING LOTS- 550 SMITH ROAD

Appendix E - Maintenance & Inspection Schedule

Appendix E: Maintenance & Inspection Schedule

Activity	Timeframe
CONSTRUCTION	
Receive Authorization from NYSDEC & USACE	Fall 2024
Mitigation Site Construction	Fall and Winter 2024
Mitigation site planting & seeding	Spring 2025
Post Construction Report	December 31, 2025
MONITORING	
Year of Construction (For Remaining Months During the Growing Season)	Monthly Visits (July to October) 2026
1st Year Monitoring Field Visits	Monthly Visits (April to October) 2026
1st Year Monitoring Report	December 31, 2026
2nd Year Monitoring Field Visits	Two Site Visits During Growing Season 2027
2nd Year Monitoring Report	December 31, 2027
3rd Year Monitoring Field Visits	Two Site Visits During Growing Season 2028
3rd Year Monitoring Report	December 31, 2028
4th Year Monitoring Field Visits	Two Site Visits During Growing Season 2029
4th Year Monitoring Report	December 31, 2029
5th Year Monitoring Field Visits	Two Site Visits During Growing Season 2030
5th Year Monitoring Report	December 31, 2030
USACE & NYSDEC Sign-off	Winter 2030/Spring 2031

LOU GEHRIG FIELD PARKING LOTS- 550 SMITH ROAD

Appendix F – Joint Application for Permit

NEW YORK STATE | Department of Environmental Conservation | Office of General Services | Department of State

US Army Corps of Engineers

JOINT APPLICATION FORM

For Permits for activities activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. **Applications To:**

>NYS Department of Environmental Conservation ☑ Check here to confirm you sent this form to NYSDEC.

Check all permits that apply:

- ☐ Stream Disturbance
- ☐ Excavation and Fill in Navigable Waters
- ☐ Docks, Moorings or Platforms
- ☐ Dams and Impoundment Structures
- ☐ 401 Water Quality Certification
- ☑ Freshwater Wetlands
- ☐ Tidal Wetlands
- ☐ Wild, Scenic and Recreational Rivers
- ☐ Coastal Erosion Management
- ☐ Water Withdrawal
- ☐ Long Island Well
- ☐ Incidental Take of Endangered / Threatened Species

>US Army Corps of Engineers ☐ Check here to confirm you sent this form to USACE.

Check all permits that apply: ☐ Section 404 Clean Water Act ☐ Section 10 Rivers and Harbors Act

Is the project Federally funded? ☐ Yes ☑ No

If yes, name of Federal Agency:

General Permit Type(s), if known:

Preconstruction Notification: ☐ Yes ☑ No

>NYS Office of General Services ☐ Check here to confirm you sent this form to NYSOGS.

Check all permits that apply:

- ☐ State Owned Lands Under Water
- ☐ Utility Easement (pipelines, conduits, cables, etc.)
- ☐ Docks, Moorings or Platforms

>NYS Department of State ☐ Check here to confirm you sent this form to NYSDOS.

Check if this applies: ☐ Coastal Consistency Concurrence

2. **Name of Applicant**

Town of Amherst Engineering Department

Taxpayer ID (if applicant is NOT an individual)

Mailing Address: 1100 North Forest Road

Post Office / City: Williamsville

State: NY

Zip: 14221

Telephone: 716-631-7222

Email: jboudreau@amherst.ny.us

Applicant Must be (check all that apply): ☑ Owner ☐ Operator ☐ Lessee

3. **Name of Property Owner (if different than Applicant)**

Town of Amherst

Mailing Address: 5583 Main Street

Post Office / City: Williamsville

State: NY

Zip: 14221

Telephone: 716-631-7000

Email: jboudreau@amherst.ny.us

For Agency Use Only	Agency Application Number:

4. **Name of Contact / Agent**

Jody M. Celeste

Mailing Address	Post Office / City	State	Zip
Earth Dimensions, Inc. 1091 Jamison Road	Elma	NY	14059

Telephone 716-655-1717 Email jceleste@earthdimensions.com

5. **Project / Facility Name**

Lou Gehrig Field Parking Lots

Property Tax Map Section / Block / Lot Number: 16.00-4-20.1, 16.00-4-16.1

Project Street Address, if applicable	Post Office / City	State	Zip
550 Smith Road	Amherst	NY	14051

Provide directions and distances to roads, intersections, bridges and bodies of water

The site is located on the north side of Smith Road, east of Millersport Highway and west of Dann Road.

☑ Town ☐ Village ☐ City

County	Stream/Waterbody Name
Erie	FWW CC-45

Amherst

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:

Latitude: 43 ° 3 ' 16.2N " Longitude: 78 ° 42 ' 56.5W "

6. **Project Description:** Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:

The proposed project involves improvements to an existing gravel parking lot within the NYSDEC 100-foot buffer to Freshwater Wetland CC-45. The project includes re-shaping the parking lots.

b. Description of current site conditions:

The site of the proposed action is currently a baseball field within a large sports complex.

c. Proposed site changes:

The project will involve the expansion and re-grading of the existing parking lots involving the disturbance of approximately 0.067 acre NYSDEC Freshwater Wetland CC-45 and 1.008± acre of NYSDEC Adjacent Area to CC-45. All disturbance will be within an existing parking lot and maintained lawn area.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

The project includes the filling of 0.067 acre NYSDEC Freshwater Wetland CC-45 and 1.008± acre of NYSDEC Adjacent Area to CC-45.

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

The project does not involve dredging.

f. Is tree cutting or clearing proposed? ☐ Yes If Yes, explain below. ☑ No

Timing of the proposed cutting or clearing (month/year):

Number of trees to be cut: Acreage of trees to be cleared:

g. Work methods and type of equipment to be used:

Standard construction practices and equipment, including excavators and bull dozers will be utilized during the construction of the project.

h. Describe the planned sequence of activities:

Site work will take place in the fall of 2024. Permanent monument and tree/shrub planting will take place immediately after final site grading.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

Standard Blue Book SWPPP measures will be used to prevent sediment from entering waterways or wetlands during construction.

j. Erosion and silt control methods that will be used to prevent water quality impacts:

Silt fence or silt sock will be placed along the approved limits of disturbance. Immediately after final grading, seeding and mulching will take place.

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

The project has been designed to minimize impacts. No wetlands will be impacted by the proposed project nor will the project require any clearing as it is entirely within an existing maintained lawn area.

l. Proposed use: ☐ Private ☑ Public ☐ Commercial

m. Proposed Start Date: Fall 2024 Estimated Completion Date: Summer 2025

n. Has work begun on project? ☐ Yes If Yes, explain below. ☑ No

o. Will project occupy Federal, State, or Municipal Land? ☑ Yes If Yes, explain below. ☐ No

Yes, the project is within the Town-owned Lou Gehrig baseball complex.

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

DA# 2012-00704

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

☑ Yes If Yes, list below. ☐ No

SEQR
Town Approval

7. **Signatures.**

Applicant and Owner (If different) must sign the application.
Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant | Date

Applicant Must be (check all that apply): ☐ Owner ☑ Operator ☐ Lessee

Printed Name: Town of Amherst (c/o Jessica Boudreau, PE) | Title: Operator

Signature of Owner (if different than Applicant) | Date

Printed Name | Title

Signature of Contact / Agent | Date

Printed Name: Jody M. Celeste | Title: Ecologist

For Agency Use Only **DETERMINATION OF NO PERMIT REQUIRED**

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name | Title

Signature | Date