



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

REPLY TO

March 26, 2020

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination and Approved Jurisdictional Determination for Department of the Army Application No. 2003-00052 (Uniland Construction - 3750 and 3800 Millersport Highway)

David Reilly
Uniland Construction
University Corporate Centre
100 Corporate Parkway, Suite 500
Amherst, New York 14226

Dear Mr. Reilly:

I have reviewed the wetland delineation report submitted on your behalf by Wilson Environmental Technologies for a wetland boundary verification for a parcel located at 3750 & 3800 Millersport Highway, Town of Amherst, Erie County, New York.

Section 404 of the Clean Water Act establishes Corps of Engineers jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands, as defined in 33 CFR Part 328.3.

I have evaluated your submitted wetland delineation map and have determined that the wetland and water boundaries shown on the map accurately represent on-site conditions. I am hereby verifying the wetland and water boundaries depicted on Sheet 1 of 1 with a preliminary and an approved jurisdictional determination.

1. Approved Jurisdictional Determination, Attachment A, for Wetlands A & C

Based upon our evaluation of the subject project site, we have determined that there is no clear surface water connection or ecological continuum between wetland A (1.52 acres) and wetland C (0.03 acres) on the parcel and a surface tributary system to a navigable water of the United States. Therefore, this water is considered isolated, non-navigable, intrastate water and not regulated under Section 404 of the Clean Water Act. Accordingly, you do not need Department of the Army authorization to commence work in these areas.

This determination for wetlands A & C will remain valid for a period of 5 years from the date of this correspondence unless new information warrants revision of the delineation before the expiration. At the end of this period, a new delineation may be required. If you object to this

Regulatory Branch

-2-

SUBJECT: Preliminary Jurisdictional Determination and Approved Jurisdictional Determination for Department of the Army Application No. 2003-00052 (Uniland Construction - 3750 and 3800 Millersport Highway)

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 determination, 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:

Attn: Jacob Siegrist
Great Lakes and Ohio River Division
CELRD-PDS-O
550 Main Street, Room 10524
Cincinnati, OH 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 May 25, 2020.

It is not necessary to submit an RFA to the Division office if you do not object to the determination in this letter.

2. Preliminary Jurisdictional Determination, Attachment B, for Unnamed Tributary to Ransom Creek; Wetland B

Please note that this is a Preliminary Jurisdictional Determination (JD) for an Unnamed Tributary to Ransom Creek (1027 linear feet) and Wetland B (0.204 Acres). Preliminary JDs are non-binding written indications that there may be waters of the United States (WOUS) on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 16-01, any permit application made in reliance on this Preliminary JD will be evaluated as though all wetlands or waters on the site are regulated by the Corps. Further, all waters, including wetlands will be used for purposes of assessing the area of project related impacts and compensatory mitigation. If you require a definitive response regarding Department of the Army jurisdiction for any or all of the waters identified on the submitted drawings, you may request an approved jurisdictional determination (AJD) from this office. If an AJD is requested, please be aware that this is often a lengthy process and we may require the submittal of additional information.

I have enclosed the Preliminary JD Form with this letter. The form and attached table identifies the extent of waters on the site and specific terms and conditions of the Preliminary JD. Please sign and return a copy of this form to my attention. If you do not respond within 15

Regulatory Branch

-3-

SUBJECT: Preliminary Jurisdictional Determination and Approved Jurisdictional Determination for Department of the Army Application No. 2003-00052 (Uniland Construction - 3750 and 3800 Millersport Highway)

days, we will presume concurrence and no additional follow up is necessary prior to finalizing an action.

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expirations dates." However, I strongly recommend that the boundaries of all aquatic resources on the parcel be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Lastly, the Preliminary and Approved Jurisdictional Determinations have been conducted only to identify the limits of waters that may be subject to Corps Clean Water Act or Rivers and Harbors Act jurisdiction. 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 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.

Questions pertaining to this matter should be directed to me by calling (716) 879-4279, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: joseph.m.rowley@usace.army.mil

Sincerely,

A handwritten signature in cursive script that reads "Joseph Rowley".

Joseph Rowley
Physical Scientist

Enclosure

cc: Mr. Don Wilson of Wilson Environmental Technologies

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Uniland Development		File Number: 2003-00052	Date: 3/26/2020
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 for Wetlands B and D	D	
X	PRELIMINARY JURISDICTIONAL DETERMINATION for Tributary 1 & 2; Wetlands A,C,E	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://usace.army.mil/inet/functions/cw/cecwo/reg> 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:

Joseph Rowley
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207
(716)879-4279
joseph.m.rowley@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Attn: Jacob Siegrist
Great Lakes and Ohio River Division
CELRD-PDS-O
550 Main Street, Room 10524
Cincinnati, OH 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:

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: LRB 2003-00052 Uniland Development (Citi Bank) Wetland A = 1.52 acres; Wetland C = 0.03 acres From 1 of 1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New York County/parish/borough: Erie City: Amherst
 Center coordinates of site (lat/long in degree decimal format): Lat. 43.042789 ° N, Long. -78.740869° W
 Universal Transverse Mercator:

Name of nearest waterbody: Roadside drainage ditch to Ransom Creek
 Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: None
 Name of watershed or Hydrologic Unit Code (HUC):

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: **March 4, 2020**
 Field Determination. Date(s): October 30, 2019

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. *[Required]*

- Waters subject to the ebb and flow of the tide.
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
 Explain: [Click here to enter text.](#)

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. *[Required]*

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
 Wetlands adjacent to TNWs
 Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
 Non-RPWs that flow directly or indirectly into TNWs
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
 Impoundments of jurisdictional waters
 Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or # acres.
 Wetlands: acres

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known): Unknown

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
 Explain: A site visit was conducted on October 30, 2019 at the 13 acre parcel located at the corner of Millersport Highway and Hopkins Road, Town of Amherst, Erie County, New York. In addition, a review of in-house resources including, topographical maps, aerial photography and soils maps were checked. The boundary of Wetland A (1.52 acres) and Wetland C (0.03 acres) were walked and no surface flows or culverts were observed going away from the wetland. Finally, almost an inch of rain fell throughout the Buffalo area the night before and during the day of the site visit, October 30, 2019.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least “seasonally” (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

Wetland A (1.52 acres total, PFO Wetland) boundary was walked and based on the on-site walkover and review of in-house resources it was determined the wetland is a closed depressional wetland that was not abutting or adjacent to a drainage-way nor appeared to flow directly into a drainage-way or a TNW. The wetland is approximately 50 linear feet away from a roadside drainage ditch along Millersport Highway, 75 linear feet away from a roadside drainage ditch along Hopkins Road and 200-250 feet away from the Unnamed Tributary to Ransom Creek to the West. No other drainageways were located coming or going from the wetland during the site visit or from a desktop review. During the site visit, no surface flow from Wetland A to the two (2) drainage ditches was observed and no drainage patterns were found around the wetland. The wetland is a shallow surface concave depression that collects water and hold it long enough to provide wetland characteristics but do not drain from any surface connections and any subsurface connection would be speculative but based on the topography would not be expected to occur. During the October 30, 2019 site visit, approximately inch of water was found to be pooling in areas throughout the wetland.

Wetland C (0.03 acres, PEM Wetland) boundary was walked and based on the on-site walkover and review of in-house resources it was determined the wetland is a closed depressional wetland that was not abutting or adjacent to a drainage-way nor appeared to flow directly into a drainage-way or a TNW. No drainage ditch was located along Hopkins Road within the vicinity of Wetland C. The wetland is over 250 feet away from the Unnamed Tributary to Ransom Creek to the West and there is no roadside drainage ditch along Hopkins Road to the North of the wetland. During the site visit, no surface flow from Wetland C was observed and there were no drainage patterns or were found around the wetland. The wetland is a shallow surface concave depression that collects water and hold it long enough to provide wetland characteristics but do not drain from any surface connections and any subsurface connection would be speculative but based on the topography would not be expected to occur. During the October 30, 2019 site visit, approximately an inch of water was found to be pooling in the wetland.

No ecological nexus to any wetlands or drainageways were seen in the vicinity of the wetlands. With the excessive rain during the early morning and throughout the day on October 30, approximately an inch, hydrology was present within the wetlands. However, there was no evidence of drainage or flow from the wetlands to the roadside drainage ditches or the ditch along the western side of the parcel. In addition, the consultant who performed the delineation, WET,Inc., visited the site on November 1, 2019 after an additional 1.50 inches of rain fell within the Buffalo area. The consultant indicated no flow or the appearance of overland sheet flow was observed from the wetlands to the roadside drainage ditches or the Unnamed Tributary to Ransom Creek along the western side of the parcel. Due to the distance to the nearest drainageway and on-site soil conditions, it is unlikely that any shallow subsurface connection exists between the wetlands and the nearest drainageways. The wetlands are physically and geographically isolated within depressions on the landscape and water would not make it to a TNW.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: [Click here to enter text.](#)

Summarize rationale supporting determination: [Click here to enter text.](#)

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: [Click here to enter text.](#)

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: acres

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Drainage area: acres
Average annual rainfall: inches
Average annual snowfall: inches

(ii) **Physical Characteristics:**

(a) Relationship with TNW:

- Tributary flows directly into TNW.
 Tributary flows through tributaries before entering TNW.

Project waters are *Choose an item*. river miles from TNW.
Project waters are *Choose an item*. river miles from RPW.
Project waters are *Choose an item*. aerial (straight) miles from TNW.
Project waters are *Choose an item*. aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

- Tributary is:** Natural
 Artificial (man-made). Explain: *Click here to enter text*.
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: *Choose an item*.

Primary tributary substrate composition (check all that apply):

- | | | |
|---|--|-----------------------------------|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: | |
| <input type="checkbox"/> Other. Explain: Detritus | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: *Choose an item*.
Tributary gradient (approximate average slope):

(c) Flow:

Tributary provides for: *Choose an item*.
Estimate average number of flow events in review area/year: *Choose an item*.
Describe flow regime:.
Other information on duration and volume:
Surface flow is: *Choose an item*. Characteristics: .

Subsurface flow: Unknown Explain findings: *Click here to enter text*.

- Dye (or other) test performed: *Click here to enter text*.

Tributary has (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Bed and banks | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community <i>Click here to enter text</i> . |
| <input type="checkbox"/> other (list): <i>Click here to enter text</i> . | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: <i>Click here to enter text</i> . | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

- | | |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by: | <input type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): Click here to enter text. | |

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics: .
- Habitat for:
 - Federally Listed species. Explain findings: [Click here to enter text.](#)
 - Fish/spawn areas. Explain findings: [Click here to enter text.](#)
 - Other environmentally-sensitive species. Explain findings: [Click here to enter text.](#)
 - Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size:

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: Intermittent and Ephemeral Flow Explain:

Surface flow is: Discrete and Confined

Characteristics:.

Subsurface flow: [Choose an item.](#) Explain findings: [Click here to enter text.](#)

Dye (or other) test performed: [Click here to enter text.](#)

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting:

Not directly abutting:

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain: [Click here to enter text.](#)

(d) Proximity (Relationship) to TNW

Project wetlands are [Choose an item.](#) river miles from TNW.

Project waters are [Choose an item.](#) aerial (straight) miles from TNW.

Flow is from: [Choose an item.](#)

Estimate approximate location of wetland as within the [Choose an item.](#) floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

(iii) Biological Characteristics. Wetland supports (check all that apply):

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
- Federally Listed species. Explain findings: [Click here to enter text.](#)
- Fish/spawn areas. Explain findings: [Click here to enter text.](#)
- Other environmentally-sensitive species. Explain findings: [Click here to enter text.](#)
- Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: *Choose an item.*
Approximately (#) acres in total are being considered in the cumulative analysis.
For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: [Click here to enter text.](#)
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: [Click here to enter text.](#)
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - TNWs: # linear feet # width (ft), Or, # acres.
 - Wetlands adjacent to TNWs: # acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: [Click here to enter text.](#)
 - Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:
Provide estimates for jurisdictional waters in the review area (check all that apply):
 - Tributary waters: linear feet width (ft).
 - Other non-wetland waters: # acres.Identify type(s) of waters: [Click here to enter text.](#)
3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**
 - Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.
Provide estimates for jurisdictional waters within the review area (check all that apply):
 - Tributary waters: # linear feet # width (ft).
 - Other non-wetland waters: # acres.Identify type(s) of waters: [Click here to enter text.](#)
4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

⁸See Footnote # 3.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
 - Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: .

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area:

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: # acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: [Click here to enter text.](#)
- Other factors. Explain: [Click here to enter text.](#)

Identify water body and summarize rationale supporting determination: [Click here to enter text.](#)

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: # linear feet # width (ft).
- Other non-wetland waters: # acres.
Identify type(s) of waters: [Click here to enter text.](#)
- Wetlands: # acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: [Click here to enter text.](#)
- Other: (explain, if not covered above): [Click here to enter text.](#)

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- Lakes/ponds: # acres.
- Other non-wetland waters: # acres. List type of aquatic resource: [Click here to enter text.](#)
- Wetlands: 1.55 acres.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- Lakes/ponds: # acres.
- Other non-wetland waters: # acres. List type of aquatic resource: [Click here to enter text.](#)
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans or plots submitted by or on behalf of the applicant/consultant: Delineation report submitted by WET, Inc dated July 2019; Additional information from WET dated November 15, 2019 .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study: [Click here to enter text.](#)
- U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Clarence Center USGS Quad, delineated parcel located.
- USDA Natural Resources Conservation Service Soil Survey: USDA-NRCS Web Soil Survey – Mapped Hydric/Potentially Hydric soils are found within the delineated boundary.
- National wetlands inventory map(s). Cite name: USFWS Wetland Mapper – No mapped Federal wetlands are found within the delineated boundary.
- State/Local wetland inventory map(s): NYSDEC Environmental Resource Mapper – No mapped State regulated wetland is located within the vicinity of the delineated parcel
- FEMA/FIRM maps: [Click here to enter text.](#)
- 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth, Bing Maps
 or Other (Name & Date): Photos included with the delineation report and additional information
- Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- Applicable/supporting case law: [Click here to enter text.](#)
- Applicable/supporting scientific literature: [Click here to enter text.](#)
- Other information (please specify): [Click here to enter text.](#)

B. ADDITIONAL COMMENTS TO SUPPORT JD: Isolated wetlands A (1.52 acres) and C (0.03 acres) were field verified by the Corps of Engineers on October 30, 2019. The perimeter of the wetlands were walked and no evidence of any connections to other waters were identified. There were no connections between the wetlands and any other waters on the Clarence Center USGS Quad or the USDA/NRCS Web Soil Survey. The Wetlands are isolated and outside the Department of the Army's jurisdiction. The determination is supported by the review of in-house resources and field verified. None of the 328.3(a)(3)(i-iii) factors are relevant in this case. The wetlands don't support recreational or other use by interstate travelers, nor provide habitat for amphibians or other aquatic species. The wetlands offer no use for industrial or commercial purposes. The wetlands were determined to be isolated and therefore non-jurisdictional. The Unnamed Tributary to Ransom Creek and Wetland B will be verified under a Preliminary Jurisdictional Determination.



Joseph M. Rowley
Project Manager

March 26, 2020

Date

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM**BACKGROUND INFORMATION****A. REPORT COMPLETION DATE FOR PJD: March 26, 2020****B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**

David J. Reilly
 Uniland Construction
 University Corporate Centre
 100 Corporate Pkwy, Suite 500
 Amherst, New York 14226

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER: 2003-00052 Uniland Construction
(3750/3800 Millersport Highway)****D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:****(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR
AQUATIC RESOURCES AT DIFFERENT SITES)**

State: New York County/parish/borough: Erie City: Amherst

Center coordinates of site (lat/long in degree decimal format):

Lat.: 43.0427 Long.: -78.7408

Universal Transverse Mercator:

Name of nearest waterbody: Ransom Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY): Office (Desk) Determination. Date: July 15, 2019 Field Determination. Date(s):**TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY
JURISDICTION.**

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non- wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetland B (2019)	43.0426	-78.7396	0.204 acres	Wetland	Sec 404
Unnamed Tributary to Ransom Creek	43.0428	-78.7401	1027 LF	Non-wetland	Sec 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Delineation report submitted by WET dated July 11, 2019_____
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report. Rationale: _____.
- Data sheets prepared by the Corps: _____.
- Corps navigable waters' study: _____.
- U.S. Geological Survey Hydrologic Atlas: _____.
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: USGS Clarence Center-delineated parcel located_____.
- Natural Resources Conservation Service Soil Survey. Citation: USDA/NRCS Web Soil Survey-mapped hydric/potential hydric soils located on the delineated parcel_____.
- National wetlands inventory map(s). Cite name: USFWS Wetland Mapper-mapped Federal located on delineated parcel_____.
- State/local wetland inventory map(s): NYSDEC Environmental Resource Mapper-no mapped State regulated wetlands located on delineated parcel_____.
- FEMA/FIRM maps: _____
- 100-year Floodplain Elevation is: _____. (National Geodetic Vertical Datum of 1929)
- Photographs:
 - Aerial (Name & Date): Bing/Google Maps-delineated parcel located_____.
 - Other (Name & Date): Photos included with delineation report_____.
- Previous determination(s). File no. and date of response letter: _____.
- Other information (please specify): _____.

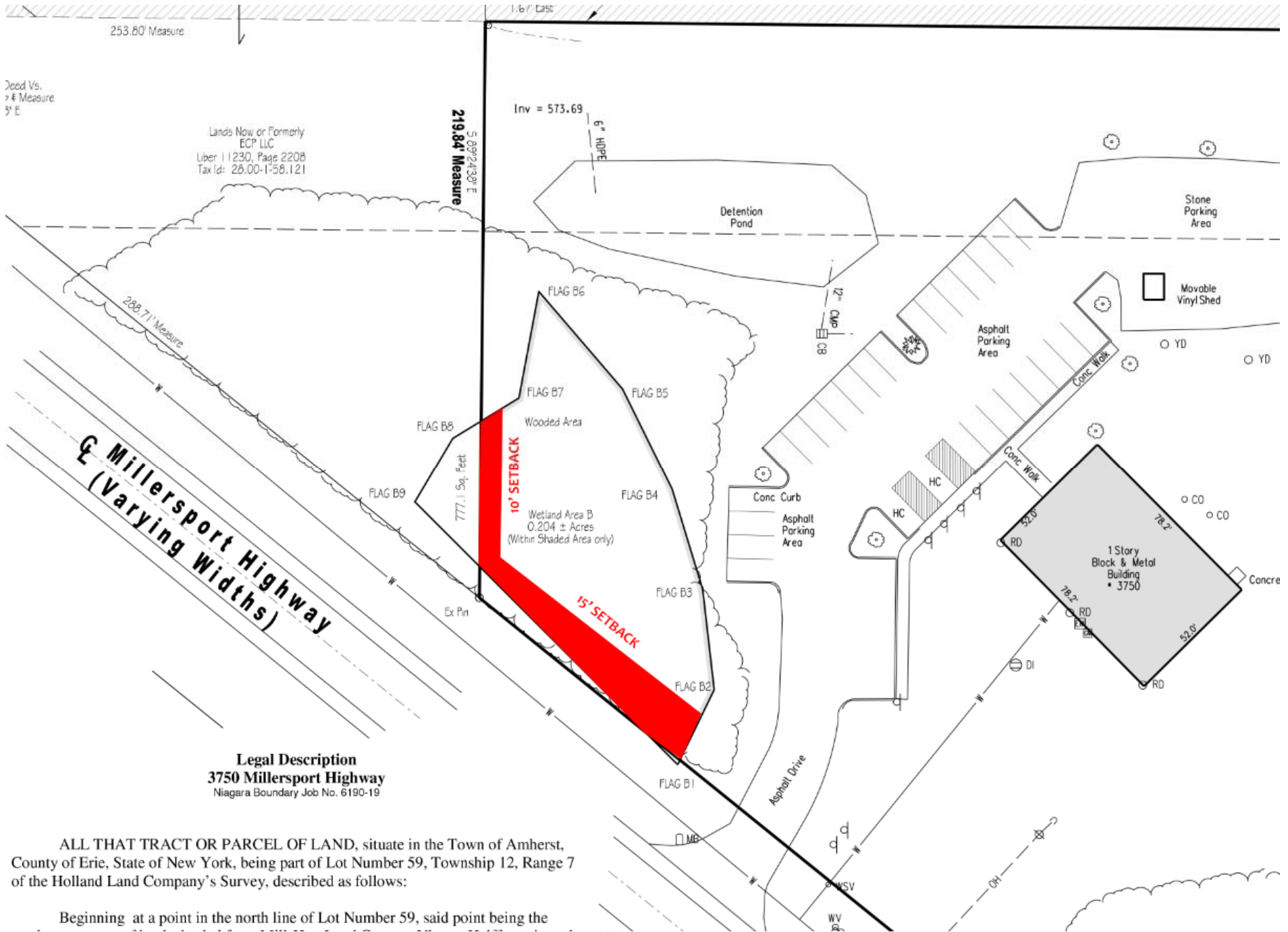
IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

 3/26/2020

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



Deed Vs.
7' E Measure
3' E

Lands Now or Formerly
ECP LLC
Liber 1 | 230, Page 220B
Tax Id: 28.00-1-58.121

219.84' Measure

Inv = 573.69

288.71' Measure

**Q Millersport Highway
Q (Varying Widths)**

FLAG B6

FLAG B7

FLAG B5

Wooded Area

FLAG B4

Wetland Area B
0.204 ± Acres
(Within Shaded Area only)

FLAG B3

FLAG B9

Ex Pin

FLAG B2

FLAG B1

Legal Description
3750 Millersport Highway
Niagara Boundary Job No. 6190-19

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Amherst,
County of Erie, State of New York, being part of Lot Number 59, Township 12, Range 7
of the Holland Land Company's Survey, described as follows:

Beginning at a point in the north line of Lot Number 59, said point being the

Wetland Delineation Report

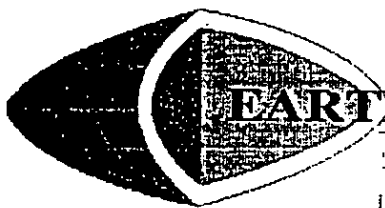
for

Asbury United Methodist Church

Town of Amherst
Erie County, New York

for

Asbury United Methodist Church



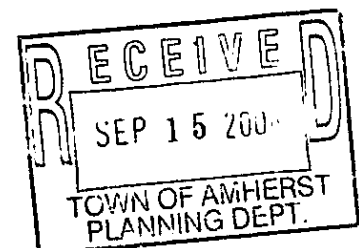
EARTH DIMENSIONS, INC.

Soil and Hydrogeologic Investigations • Wetland Delineation

1091 Junction Road • Elma, NY 14059
(716) 655-1717 • Fax (716) 655-2915

October 9, 2006

EDI Project Code: W3I02a



Z-9-08

**REPORT SUMMARIZING
THE RESULTS OF
A WETLAND DELINEATION SURVEY OF**

Asbury United Methodist Church

Prepared for Submission to

**U.S. ARMY CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207**

Prepared by

**EARTH DIMENSIONS, INC.
1091 JAMISON ROAD
ELMA, NEW YORK 14059**

for

**ASBURY UNITED METHODIST CHURCH
3750 MILLERSPORT HIGHWAY
AMHERST, NEW YORK**

**DATE PREPARED
October 9, 2006**

Project Code: W3I02a

PROJECT INFORMATION

Project Name Asbury United Methodist Church
Street Address 3750 Millersport Highway
Town..... Arnherst
County Erie
State..... New York
Latitude/Longitude..... 43.0435°N, 78.7390°W
Consultant..... Earth Dimensions, Inc.
1091 Jamison Road
Elma, New York 14059
Point of Contact Donald W. Owens
(716) 655-1717
Engineer To be announced
Property Owners Asbury United Methodist Church
Waterway..... unnamed tributary to Ransom Creek
Hydrologic Unit Code..... 04120104
Authority Section 404
Previous Army Corps of Engineers Actions 2003-00052
Previous NYSDEC Actions N/A
Permit/ Letter Being Requested..... Jurisdictional Determination

EXECUTIVE SUMMARY

Asbury United Methodist Church has proposed the expansion of the existing building and associated parking lots on a 6.78± acre site located in a commercial/residential area in the Town of Amherst, County of Erie, State of New York. Asbury United Methodist Church has retained Earth Dimensions, Inc. (EDI) to complete a wetland delineation report that would allow the U.S. Army Corps of Engineers (Corps) and New York State Department of Environmental Conservation (NYSDEC) to determine their jurisdictional authority over the investigation area, pursuant to Section 404 of the Clean Water Act and Article 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law.

A preliminary review of available information pertaining to vegetation, soils, and hydrology in the project area was implemented prior to conducting a field investigation at the site. Sources of information included the United States Geological Survey (USGS), Soil Conservation Service (SCS), National Wetland Inventory (NWI), and NYSDEC Freshwater Wetland maps. The Asbury United Methodist Church project site does not lie within a wetland under New York State jurisdiction. However, the SCS map indicates the possible presence of wetlands under Federal jurisdiction at the project site.

EDI identified two (2) wetland areas totaling 0.638± acres at the Asbury United Methodist Church project site. The identification numbers of the individual wetlands, their acreages and boundary flags are as follows:

Wetland Identification #	Boundary Flags	Total Acreage On-Site	Wetland Type
Wetland 1	W1-1 through W1-17	0.602 acres	Reed/Loosestrife Marsh
Wetland 2	W2-1 through W2-5	0.036 acres	Palustrine Forested Wetland

TABLE OF CONTENTS

Project Information	i
Acknowledgements	ii
Executive Summary	iii
Table of Contents	iv
List of Figures	v
List of Attachments	v
Section I: Introduction	1
Section II: Site Description	2
Section III: Preliminary Data Review	3
A. Summary of Findings	3
USGS Quadrangle Map	3
USFWS National Wetlands Inventory Map	3
SCS Erie County Soil Survey Map	4
NYSDEC Freshwater Wetlands Map	5
B. Results of Agency Information Review	5
Section IV: Field Investigation Procedures	6
Section V: Results and Conclusions	11
Section VI: Recommendations	14

LIST OF FIGURES

Figure 1..... USGS Quadrangle Map
Figure 2.....USFWS National Wetlands Inventory Map
Figure 3.....SCS Erie County Soil Survey Map
Figure 4.....NYSDEC Freshwater Wetlands Map
Figure 5.....General Soils Map
Figure 6.....General Vegetation Map
Figure 7..... Wetland Delineation Map

LIST OF ATTACHMENTS

Attachment A.....Figures
Attachment B..... Data Forms
Attachment C.....Aerial Photograph
Attachment D..... Site Photographs
Attachment E..... References
Attachment F..... Wetland Investigation and Report Preparation Personnel

SECTION I INTRODUCTION

Asbury United Methodist Church has proposed the expansion of an existing development on a 6.78± acre parcel located in the Town of Amherst, County of Erie, State of New York. The site lies northwest of Millersport Highway and south of Hopkins Road. The project has been given the name Asbury United Methodist Church and is located on the USGS 7.5 minute quadrangle map indexed as Clarence Center Quadrangle (Figure 1).

Asbury United Methodist Church has retained Earth Dimensions, Inc. (EDI) to complete a wetland delineation study at the site. The investigation was designed to facilitate a determination of the extent of U.S. Army Corps of Engineers (Corps) and New York State Department of Environmental Conservation (NYSDEC) jurisdiction over the project area pursuant to Section 404 of the Clean Water Act and Article 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law.

EDI has performed a wetland delineation study at the site under guidelines specified by the *Corps of Engineers Wetlands Delineation Manual*, dated January 1987 (referred to hereafter as the Corps Manual). The purpose of this report is to present EDI's methods, results, conclusions and recommendations with respect to the Asbury United Methodist Church project site.

SECTION II

SITE DESCRIPTION

The Asbury United Methodist Church project area is mostly rectangular in shape with a diagonal boundary along Millersport Highway. The site is bound by Hopkins Road and Millersport Highway. The site boundary is depicted on the wetland delineation map included as Figure 7 in Attachment A. The project site has a total acreage of 6.78± acres and is outlined on Figures 1 through 4, included in Attachment A of this report.

The natural topography of the Asbury United Methodist Church site is a generally flat to gently sloping landscape. The vegetative communities identified during the investigation area are described according to *Ecological Communities of New York State* (Edinger et al. 2002), with some regional variance. The wetland areas of the site are comprised of reed/ loosestrife marsh and palustrine forested wetland vegetative communities. The upland portions of the site consists of successional old field, mown/maintained lawn, successional northern hardwood and successional spoil pile communities (Figure 6).

SECTION III
PRELIMINARY DATA REVIEW

A. SUMMARY OF FINDINGS

Several sources of information may be reviewed to facilitate the completion of a wetland delineation study. In some cases it is even possible to make a preliminary office wetland determination based upon available vegetation, soils, and hydrologic information for a project site.

EDI completed a preliminary review of several data sources at the onset of this study. The results of the review are summarized as follows:

1. USGS Quadrangle Map

Figure 1 depicts the Asbury United Methodist Church site on the Clarence Center Quadrangle 7.5 minute topographical map. The map depicts a generally flat landscape with the maintained town ditch/ tributary to Ransom Creek lying on-site, adjacent to the western property line.

2. USFWS National Wetlands Inventory Map

The USFWS National Wetlands Inventory (NWI) map indexed as Clarence Center, 1978 depicts a wetland labeled "PFO1A" to the north of the project site, across Hopkins Road. The NWI designations are described as follows:

[P] Palustrine, [FO] Forested, [1] Broad-leaved Deciduous, [A] Temporary

3. SCS Erie County Soil Survey Map

Figure 3 presents the project area outlined on a copy of the Erie County Soil Survey map (Sheet Number 9). As shown on that figure, the site has the following soil types:

Soil Conservation Service Legend

<u>Designation</u>	<u>Description</u>	<u>Hydric Soil/ Inclusions?</u>
Ch	Cheektowaga Fine sandy loam	Hydric soil
Cv	Cosad Loamy fine sand	Inclusions Possible

Cheektowaga- Poorly and very poorly drained, deep, nearly level (hydric soil); formed in sandy lake-laid sediments that are underlain by deposits with a high clay content; map indicates Cheektowaga soil across the majority of the project site.

Cosad- Somewhat poorly drained, deep, nearly level soil; formed in sandy sediments and in the underlying clayey lake-laid deposits; map indicates Cosad soil in the northeastern portion of the project site

The U.S. Department of Agriculture's National Technical Committee for Hydric Soils Criteria has developed a list of soils that often display hydric soil characteristics. Areas mapped as hydric soil have a high probability of being jurisdictional wetland. Cheektowaga is a hydric soil mapped on-site and would be the area of the site most likely to contain jurisdictional wetland. Although Cosad soil is not on the USDA hydric soil list, it has the potential for hydric soil inclusions.

4. NYSDEC Freshwater Wetlands Map

Figure 4 is a copy of the NYSDEC Freshwater Wetlands (FWW) map indexed as Clarence Center, 1986. No state regulated wetlands are depicted within or adjacent to the project site. Consequently, the NYSDEC has no apparent jurisdiction over any wetlands at the proposed project site.

B. RESULTS OF AGENCY INFORMATION REVIEW

The preliminary data review found no wetlands subject to NYSDEC jurisdiction at the Asbury United Methodist Church site, but evidence was gathered that suggested the Corps might have jurisdiction over potential wetlands at the project location. The evidence consisted of the depiction of a hydric soil and a soil with possible hydric inclusions at the project site location. It was considered necessary to perform a field investigation at the site in order to confirm the presence of federally protected wetlands. The methods specified in the *Corps of Engineers Wetlands Delineation Manual* (January 1987) were employed during the field investigation. Procedures, results, and conclusions of the wetland delineation study are presented in the remainder of this report.

SECTION IV
FIELD INVESTIGATION PROCEDURES

Step 1

EDI applied methodology specified by the Corps of Engineers Wetlands Delineation Manual (January 1987) to perform a delineation of Federal jurisdictional wetlands within the site. EDI used the Level 2 Routine Determination method (on-site inspection necessary) since insufficient information was already available for making a determination for the entire project area. This methodology is consistent with Part IV, Section D of the Corps Manual.

Step 2

EDI's initial evaluation of the project site revealed that no atypical situations existed. If an atypical situation had existed, EDI would have used methodology outlined in Part IV, Section F of the Corps manual.

Step 3

EDI made the determination that normal environmental conditions were present, as the area was not lacking hydrophytic vegetation or hydrologic indicators due to annual, seasonal or long-term fluctuations in precipitation, surface water, or groundwater levels. Field work was performed on September 15th, 2006, which is during the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) documented growing season (April 15th through October 15th).

Step 4

In order to accurately identify the limits of various vegetative communities and extent of wetlands on-site, transects were taken at approximately 200-foot intervals across the site. A baseline was established along the western property boundary. As outlined in the Corps Manual, the baseline should be perpendicular to the hydrologic gradient of the site. As depicted in Attachment A and included in Attachment B, 7 data points were used to characterize the site.

Step 5

The plant community inhabiting each observation point was characterized by EDI's Wetland Ecologist in accordance with methods specified in the Corps Manual. Dominant plant species were identified within four vegetative strata (i.e. herb, sapling/shrub, tree and liana (woody vines) at each sampling point. The Corps Manual defines the vegetative strata in the following manner:

Herb – A non-woody individual of a macrophytic species. Seedlings of woody plants (including vines) that are less than 3.2 feet in height are considered to be herbs.

Sapling/Shrub – A layer of vegetation composed of woody plants < 3.0 inches in diameter at breast height but greater than 3.2 feet in height, exclusive of woody vines.

Tree – A woody plant > 3.0 inches in diameter at breast height, regardless of height (exclusive of woody vines)

Liana – A layer of vegetation in forested plant communities that consists of woody vines.

As outlined in the manual, the quadrat sizes used for the vegetative strata were (i) a 3.28-foot radius for herbs; (ii) a ten-foot radius for saplings/shrubs and woody vines; and (iii) a 30-foot

radius for trees. Dominant plant species were estimated using aerial coverage methods. Dominant species are defined in the Corps Manual as the most abundant plant species that when ranked in descending order of abundance and cumulatively totaled immediately exceed 50 percent of the total dominance measure for the stratum, plus any additional species comprising 20 percent or more of the total dominance measure.

The wetland indicator status (OBL, FACW, FAC, FACU, or UPL) listed for each identified species by the U.S. Fish and Wildlife Service in the *National List of Plant Species that Occur in Wetlands: Northeast (Region 1)* was recorded. The U.S. Fish and Wildlife wetland indicator status listings are defined as follows:

OBL – Plants that occur almost always (estimated probability >99 percent) in wetlands under natural conditions, but which may also occur rarely (estimated probability < 1 percent) in nonwetlands.

FACW – Plants that occur usually (estimated probability >67 percent to 99 percent) in wetlands, but also occur (estimated probability 1 percent to 33 percent) in nonwetlands.

FAC – Plants with a similar likelihood (estimated probability 33 percent to 67 percent) of occurring in both wetlands and nonwetlands.

FACU – Plants that occur sometimes (estimated probability 1 percent to <33 percent) in wetlands, but occur more often (estimated probability >67 percent to 99 percent) in nonwetlands.

UPL – Plants that occur rarely (estimated probability < 1 percent) in wetlands, but occur almost always (estimated probability >99 percent) in nonwetlands under natural conditions.

The plant community data were summarized on the Data forms provided in the Corps Manual and are included in this report as Attachment B.

Step 6

Plant data from each observation point were tested against the hydrophytic vegetation criterion specified in the Corps Manual. If more than 50 percent of the dominant species present at the sample plot had an indicator status of OBL, FACW, and/or FAC, the hydrophytic vegetation criterion was considered to be met. All observation points that met the hydrophytic vegetation criterion were considered potential wetlands and soils were also characterized.

Step 7

The Corps Manual specifies that soils need not be characterized (and are assumed hydric soils) at sampling points meeting the hydrophytic vegetation criterion if: (i) all dominant plant species have an indicator status of OBL, or (ii) all dominant species have an indicator status of OBL and/or FACW, and the wetland boundary is abrupt (at least one dominant OBL species must be present).

All observation points sampled during this field investigation were examined directly for soil and hydrologic characteristics.

Step 8

Soil borings were performed by EDI's Soil Scientist using methods specified in the Corps Manual at each observation point. Soil borings were dug using a stainless steel hand auger. The borings were examined for indicators of hydric soils immediately below the A-horizon or 10 inches (whichever was shallower). A determination was made as to whether or not the hydric soil

criterion was met. Soils data was recorded on the data forms included in Attachment B of this report.

Step 9

EDI's Soil Scientist examined hydrologic indicators using methods specified by the Corps Manual at each observation point. The wetland hydrology criterion was met if: (i) one or more primary field indicators was materially present, (ii) available hydrologic records provided necessary evidence, or (iii) two or more secondary indicators were present. Results were recorded on data forms taken from the Corps Manual and are included in this report as Attachment B.

Step 10

A wetland determination was made for every observation point. If a sample plot met the hydrophytic vegetation, hydric soil, and wetland hydrology criteria, the area was considered to be wetland.

Step 11

Based on the results of the transected data, wetland boundaries were established for each identified wetland using survey ribbon labeled "wetland delineation" and numbered consecutively along each wetland boundary. As outlined in the Corps Manual, the placement of flags was based on the limits of areas where all three parameters were met. Wetland flags were labeled W1-1 through W1-17 and W2-1 through W2-5.

SECTION V
RESULTS AND CONCLUSIONS

Earth Dimensions, Inc. (EDI) has completed a wetland delineation study at the Asbury United Methodist Church project site located in the Town of Amherst, County of Erie, State of New York. A preliminary data review revealed that the NYSDEC has no apparent jurisdiction over the proposed development under Article 24 of the New York State Environmental Conservation Law. However, information gathered from the SCS map indicates that wetlands might exist at the site that would be subject to jurisdiction by the U.S. Army Corps of Engineers.

A field investigation was conducted using a Soil Scientist and a Wetland Ecologist from EDI. The wetland delineation study found 0.638± acre of wetlands present at the site. All wetland acreage was calculated by the coordinate geometry method by the surveyor subcontracted to work with EDI, Niagara Boundary and Mapping Services.

General site maps are presented in Attachment A, Figures 5 and 6 that show the soil types and major plant communities found on the property.

Field examination of the soil on the site showed general agreement to the published SCS soil map (Figure 3). Cosad soil was identified throughout the majority of the site (data points D1-5) during the investigation. The wetland areas were found to be underlain by Cheektowaga soil (data point D7) and Udorthents soil fill (data point D6).

Figure 6 depicts the vegetative communities as they currently exist. The upland portions of the site can be characterized as successional northern hardwoods, successional old field, mown/maintained lawn and successional spoil pile vegetative communities. The successional northern hardwoods (data points D1, 4, 5) are dominated by poison ivy (*Toxicodendron radicans*),

small white aster (*Aster vimineus*), rough goldenrod (*Solidago rugosa*), jumpseed (*Tovara virginiana*), creeping jennie (*Lysimachia nummularia*), grey stemmed dogwood (*Cornus foemina* ssp. *racemosa*), European buckthorn (*Rhamnus cathartica*), red maple (*Acer rubrum*), green ash (*Fraxinus pennsylvanica*), American elm (*Ulmus americana*), Canada goldenrod (*Solidago canadensis*), Tartarian honeysuckle (*Lonicera tatarica*), aster (*Aster* sp.) and summer grape (*Vitis aestivalis*).

The portions of the site described as successional old field vegetative communities (data points D2-3, D5) are dominated by the following species: Kentucky bluegrass (*Poa pratensis*), Queen Anne's lace (*Daucus carota*), orchard grass (*Dactylis glomerata*), Canada goldenrod (*Solidago canadensis*), aster (*Aster* sp.), Eastern cottonwood (*Populus deltoides*), spotted knapweed (*Centaurea maculosa*), green ash (*Fraxinus pennsylvanica*), poison ivy (*Toxicodendron radicans*), black walnut (*Juglans nigra*), American elm (*Ulmus americana*), common reed (*Phragmites australis*), jumpseed (*Tovara virginiana*), rough goldenrod (*Solidago rugosa*), red maple (*Acer rubrum*) and gray-stem dogwood (*Cornus foemina* ssp. *racemosa*).

In areas identified on-site as successional spoil piles (adjacent to the maintained ditch/ tributary to Ransom Creek), no data was collected.

The wetland area identified as reed/ loosestrife marsh (data point D6) is dominated by species including sedge (*Carex* spp.), purple loosestrife (*Lythrum salicaria*), common reed (*Phragmites australis*), soft rush (*Juncus effusus*), aster (*Aster* spp.), and eastern cottonwood (*Populus deltoides*).

The wetland area identified as palustrine forested wetland (data point D7) is dominated by fowl manna grass (*Glyceria striata*), creeping jennie (*Lysimachia nummularia*), sensitive fern (*Onoclea sensibilis*), green ash (*Fraxinus pennsylvanica*), poison ivy (*Toxicodendron radicans*), American

elm (*Ulmus americana*), silky dogwood (*Cornus amomum*), jumpseed (*Tovara virginiana*), and red maple (*Acer rubrum*).

Drainage on-site is generally to the northeast. Wetland 1 is likely the result of past excavation efforts. Wetland 2 is located along northern portion of the site. Wetland 1 is connected to Waters of the U.S. and will likely be considered jurisdictional. Wetland 2 is not connected to Waters of the U.S. and will likely not be considered jurisdictional.

A map which depicts the surveyed wetland boundary points, the site boundaries, the photographic exhibit locations and the location of all observation points established during the field survey is included as Figure 7 in Attachment A of this report. Data forms are included as Attachment B. Attachment C consists of an aerial photograph of the site. Attachment D includes representative photographs of the project site. Attachment E notes the references used during the preparation of this report and during the field investigation. Attachment F provides the names, addresses and phone numbers of the survey personnel involved in the wetland delineation study.

SECTION VI RECOMMENDATIONS

Two (2) wetland areas totaling 0.638± acres were identified during the course of a field investigation based upon the three parameter technique (vegetation, soils, and hydrology) outlined in the Corps Manual. It is EDI's professional opinion that wetland 1 as depicted on Figure 7 of this report appears to meet the current interpretation of federally jurisdictional wetlands. Wetland 2 as depicted on Figure 7 of this report does not appear to meet the current interpretation of federally jurisdictional wetlands.

The Corps and New York State Department of Environmental Conservation approach their regulatory analyses by first considering avoidance of wetlands and minimization of wetland losses. EDI recommends the following:

- (1) If no impacts are proposed to potential federally regulated wetlands, it is the professional opinion of EDI that the project may proceed without the need for an Article 24 or Section 404 permit.
- (2) If wetland impacts are proposed to less than 0.10 acre of potential federally jurisdictional wetland area, it is EDI's recommendation that the project may proceed under the current Nationwide 39 permit (valid until March 17, 2007) without the need for pre-notification to the U.S. Army Corps of Engineers. We strongly suggest the applicant thoroughly review the conditions of this permit. The permit language and other pertinent information can be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/nationwidepermits.htm>.
- (3) If wetland impacts are proposed to greater than 0.10 acre of potentially Federally jurisdictional wetland area (including wetland areas EDI feels are isolated and non-jurisdictional), we recommend that this report, along with a Joint Application for Permit and required supporting documentation be submitted to the U.S. Army Corps of Engineers and New York State Department of Environmental Conservation for their jurisdictional determination and/or required permits.

SECTION VI
RECOMMENDATIONS

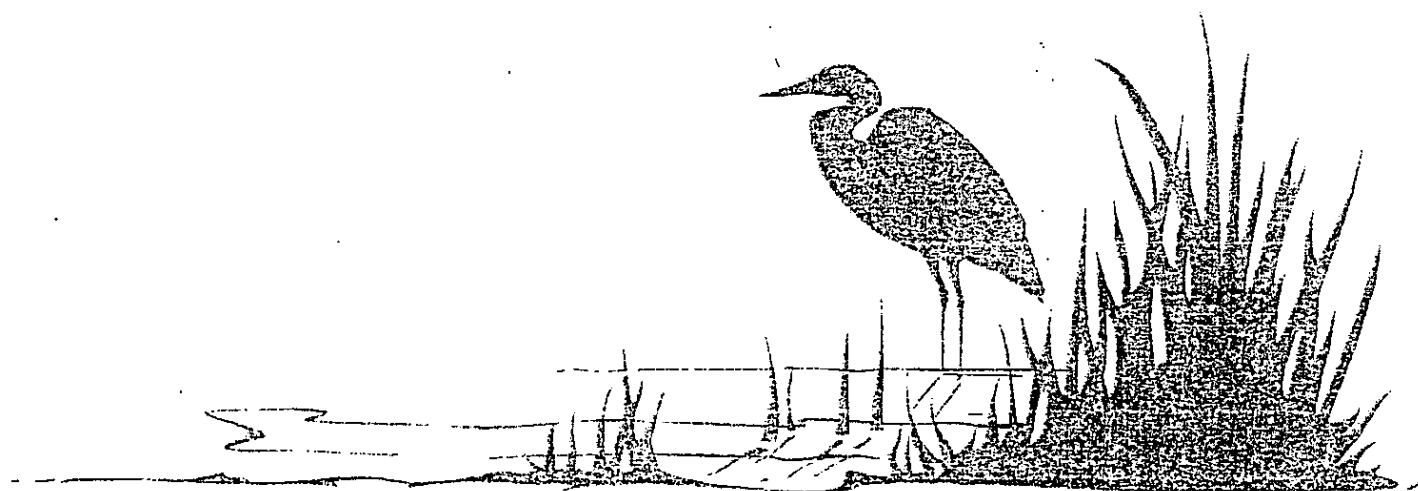
Two (2) wetland areas totaling 0.638± acres were identified during the course of a field investigation based upon the three parameter technique (vegetation, soils, and hydrology) outlined in the Corps Manual. It is EDI's professional opinion that wetland 1 as depicted on Figure 7 of this report appear to meet the current interpretation of federally jurisdictional wetlands. Wetland 2 as depicted on Figure 7 of this report does not appear to meet the current interpretation of federally jurisdictional wetlands.

The Corps and New York State Department of Environmental Conservation approach their regulatory analyses by first considering avoidance of wetlands and minimization of wetland losses.

EDI recommends the following:

- are proposed*
- (1) If no impacts to potential federally regulated wetlands, it is the professional opinion of EDI that the project may proceed without the need for an Article 24 or Section 404 permit.
 - (2) If wetland impacts are proposed to less than 0.10 acre of potential federally jurisdictional wetland area, it is EDI's recommendation that the project may proceed under the current Nationwide 39 permit (valid until March 17, 2007) without the need for pre-notification to the U.S. Army Corps of Engineers. We strongly suggest the applicant thoroughly review the conditions of this permit. The permit language and other pertinent information can be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/nationwidepermits.htm>.
 - (3) If wetland impacts are proposed to greater than 0.10 acre of potentially Federally jurisdictional wetland area (including wetland areas EDI feels are isolated and non-jurisdictional), we recommend that this report, along with a Joint Application for Permit and required supporting documentation be submitted to the U.S. Army Corps of Engineers and New York State Department of Environmental Conservation for their jurisdictional determination and/or required permits.

Asbury United Methodist Church



ATTACHMENT A

Figures

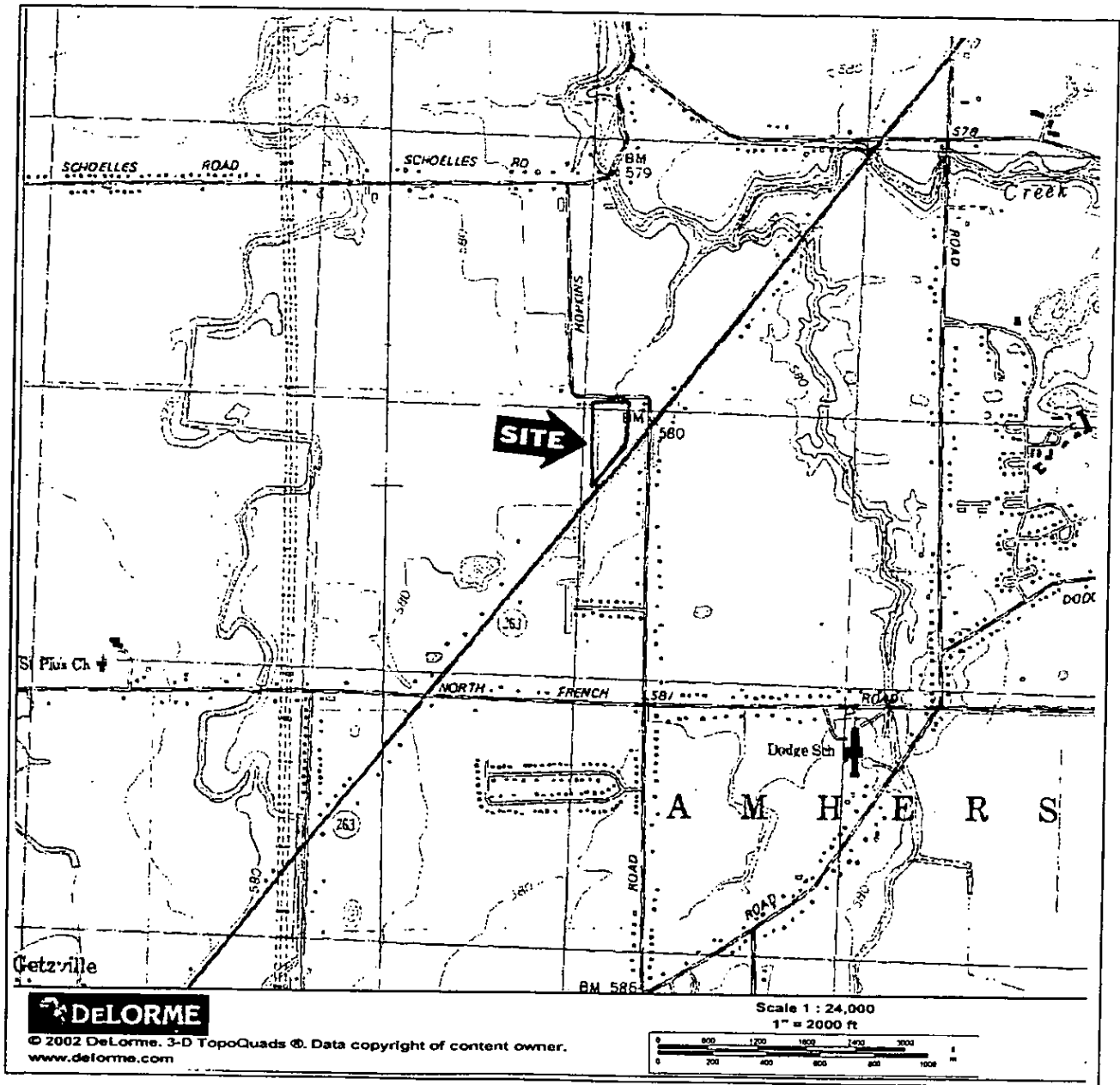


Figure 1: USGS 7.5 Minute Topographical Map
 Clarence Center Quadrangle, DeLorme 2002

Asbury United Methodist Church
 Town of Amherst, Erie County, New York

Scale: 1" = 2000'



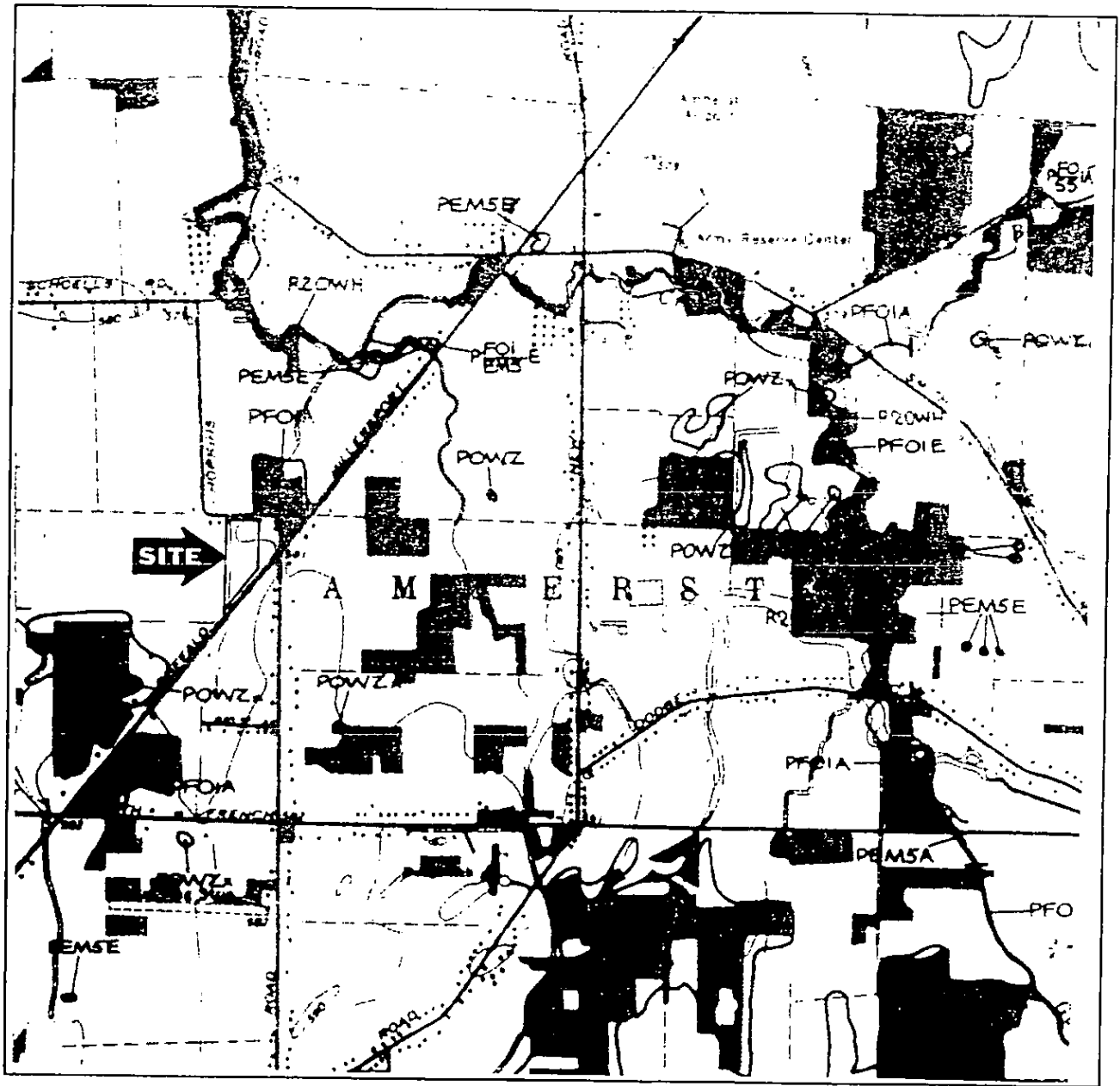


Figure 2: National Wetlands Inventory Map
 Clarence Center Quadrangle, 1978

Asbury United Methodist Church
 Town of Amherst, Erie County, New York

Scale: 1" = 2000'



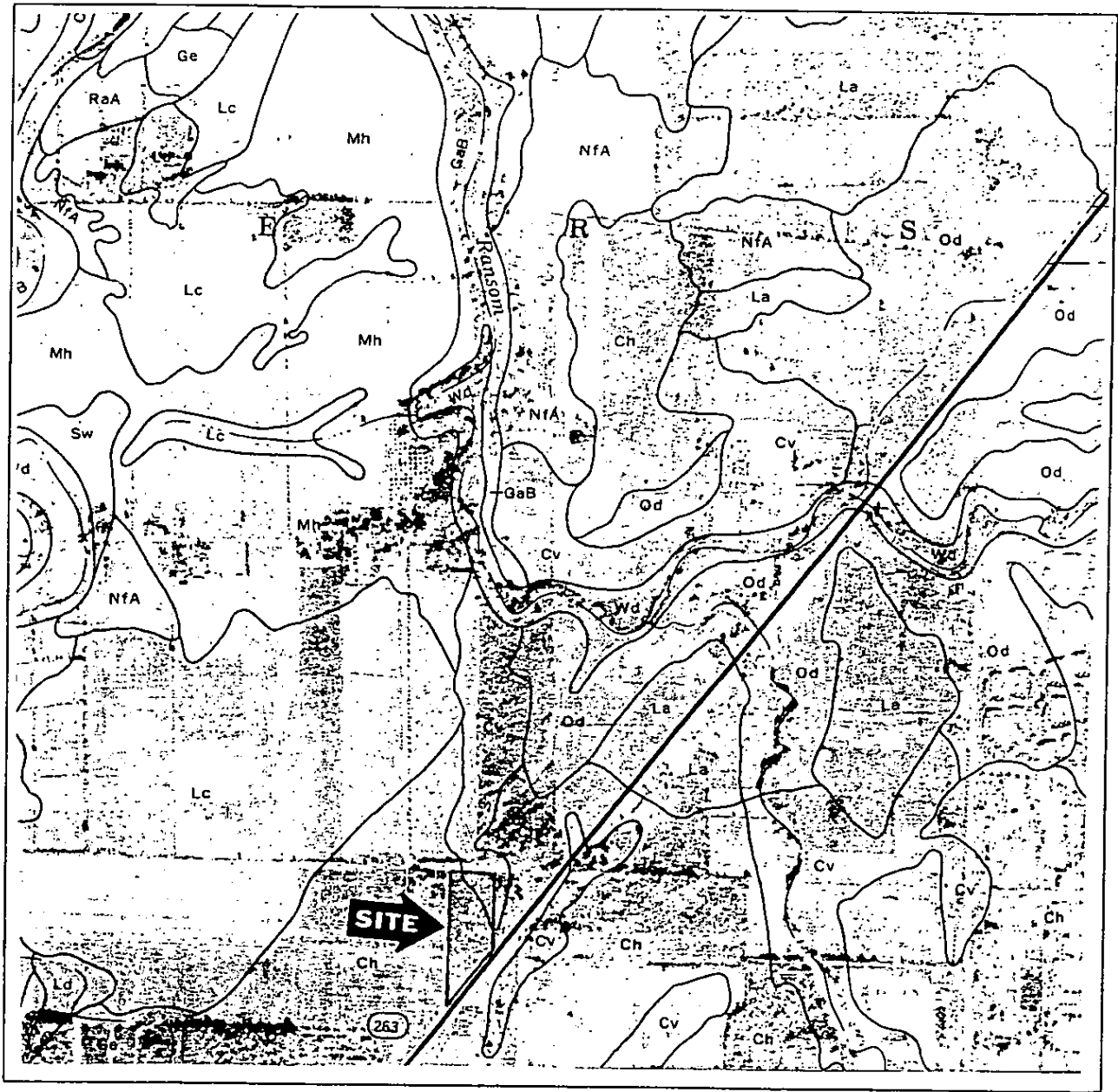


Figure 3: SCS Erie County Soil Survey Map
Sheet Number 9

Asbury United Methodist Church
Town of Amherst, Erie County, New York

Scale: 1" = 1320'



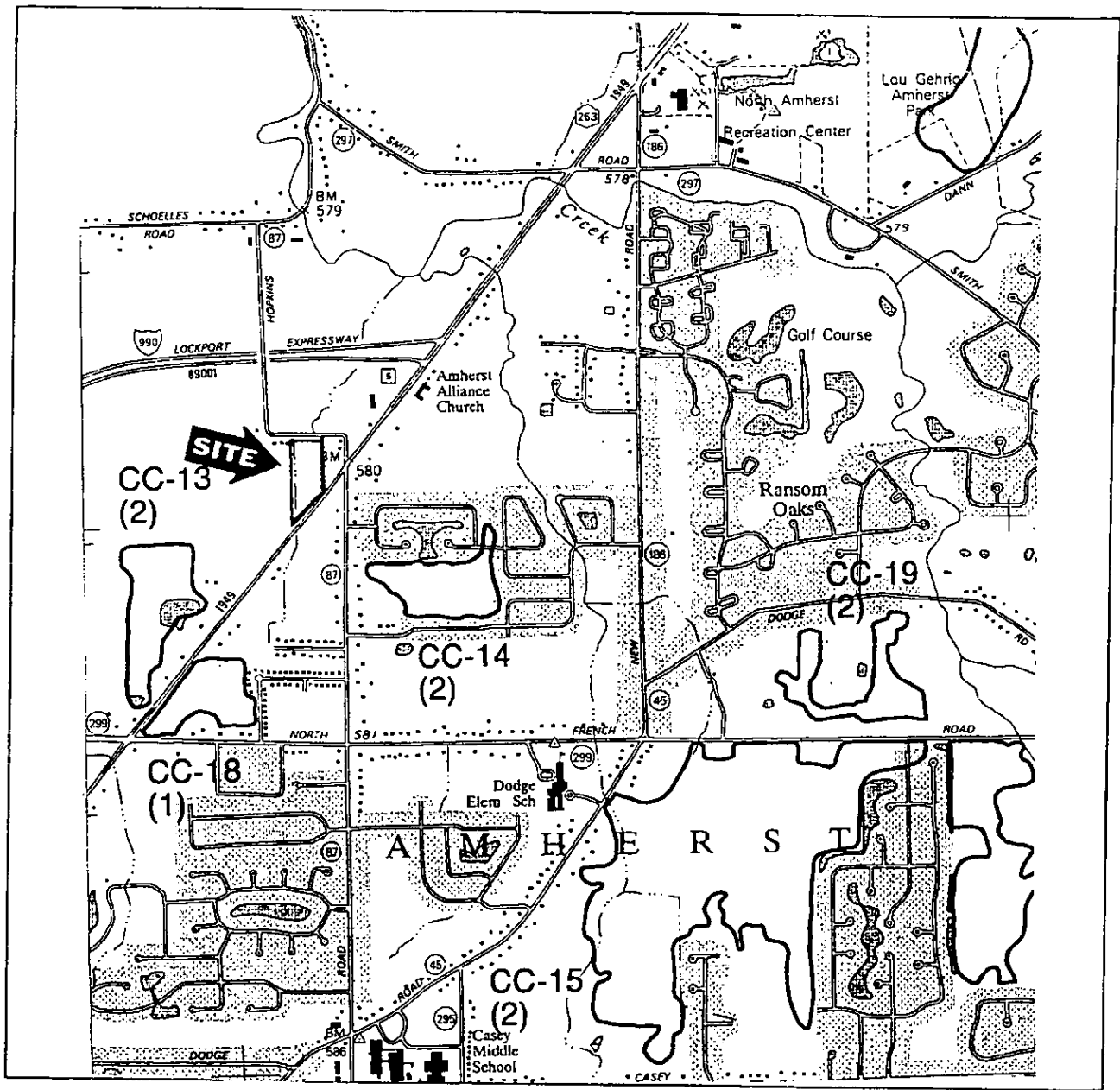


Figure 4: NYSDEC Freshwater Wetlands Map
Clarence Center Quadrangle, 1986

Asbury United Methodist Church
Town of Amherst, Erie County, New York

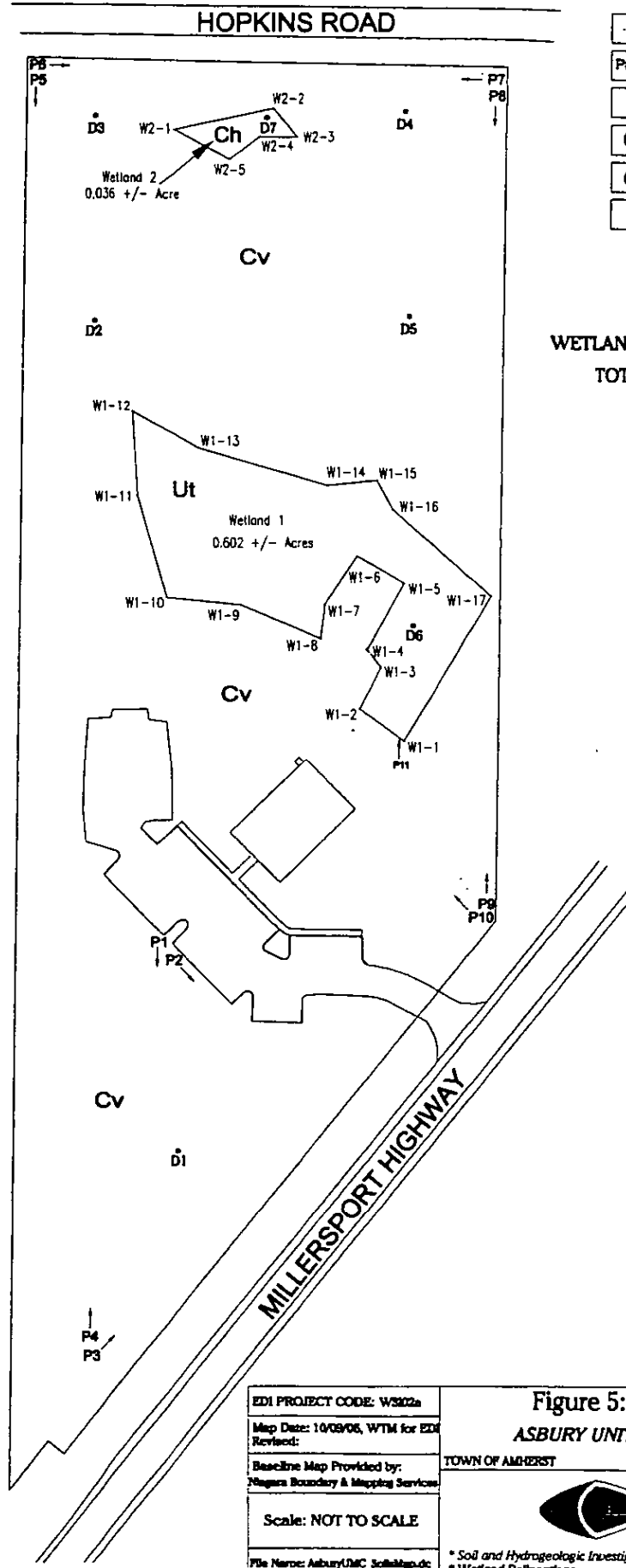
Scale: 1" = 2000'



LEGEND

- W2-3 WETLAND BOUNDARY POINT
- P# PHOTO POINT
- D# DATA POINT
- Cv COSAD SOIL
- Ch CHEEKTOWAGA SOIL
- Ut UDORTHENTS (SOIL FILL)

WETLAND INVESTIGATION AREA: 6.78 ± AC.
 TOTAL WETLAND AREA: 0.638 ± AC.



EDI PROJECT CODE: W5822a
 Map Date: 10/09/06, WTM for EDI
 Revised:
 Baseline Map Provided by:
 Niagara Boundary & Mapping Services
 Scale: NOT TO SCALE
 File Name: AsburyUMC_SoilsMap.doc

Figure 5: General Soils Map

ASBURY UNITED METHODIST CHURCH

TOWN OF AMHERST ERIE COUNTY, NEW YORK



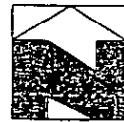
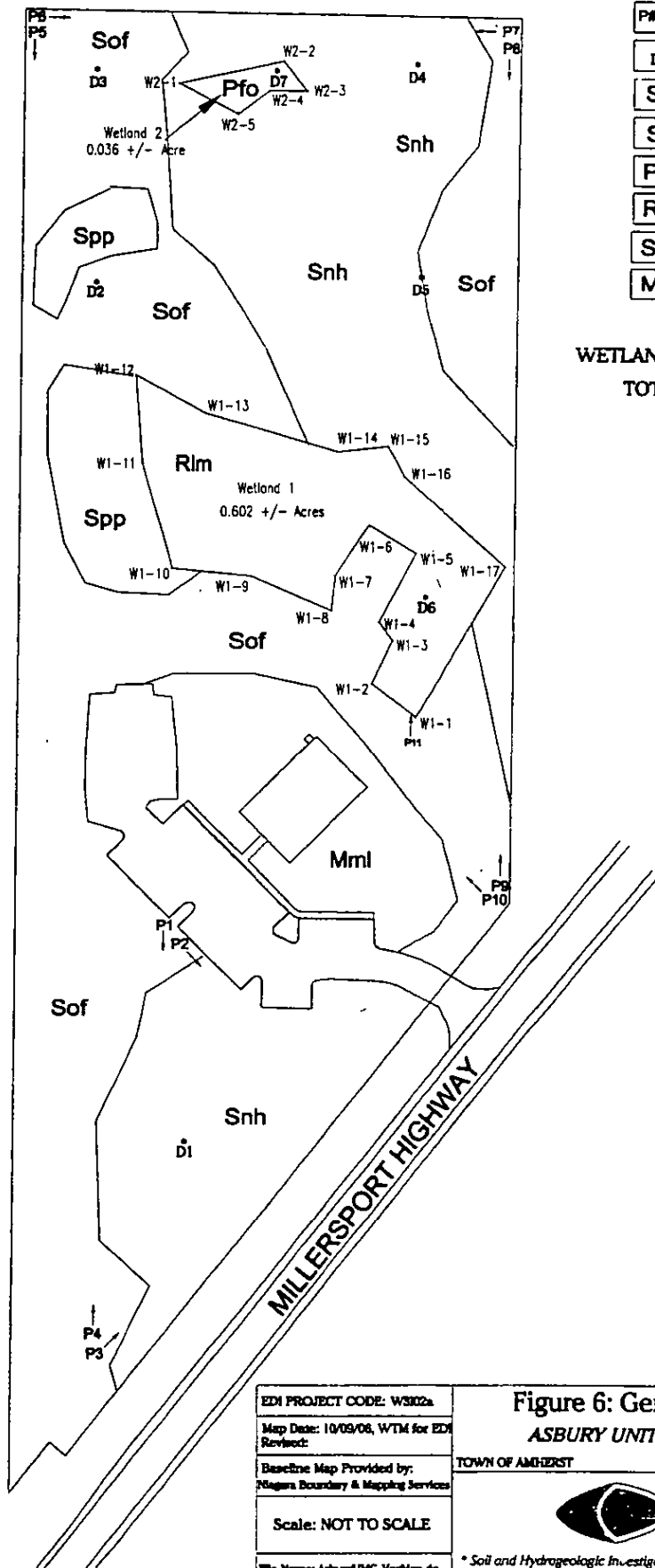
Earth DIMENSIONS, INC.
 * Soil and Hydrogeologic Investigations 1091 Jamison Road * Elma, NY 14059
 * Wetland Delineations (716) 655-1717 * Fax (716) 655-2915

HOPKINS ROAD

LEGEND

- W2-3 WETLAND BOUNDARY POINT
- P# PHOTO POINT
- D# DATA POINT
- Snh SUCCESSIONAL NORTHERN HARDWOOD FOREST
- Sof SUCCESSIONAL OLD FIELD
- Pfo PALUSTRINE FORESTED WETLAND
- Rlm REED/LOOSESTRIFE MARSH
- Spp SUCCESSIONAL SPOIL PILE
- Mml MOWN MAINTAINED LAWN

WETLAND INVESTIGATION AREA: 6.78 ± AC.
TOTAL WETLAND AREA: 0.638 ± AC.



EDI PROJECT CODE: W302a
Map Date: 10/09/08, WTM for EDI Revised:
Baseline Map Provided by: Niagara Boundary & Mapping Services
Scale: NOT TO SCALE
File Name: AsburyUMC_VegMap.doc

Figure 6: General Vegetation Map

ASBURY UNITED METHODIST CHURCH

TOWN OF AMHERST

ERIE COUNTY, NEW YORK



EARTH DIMENSIONS, INC.

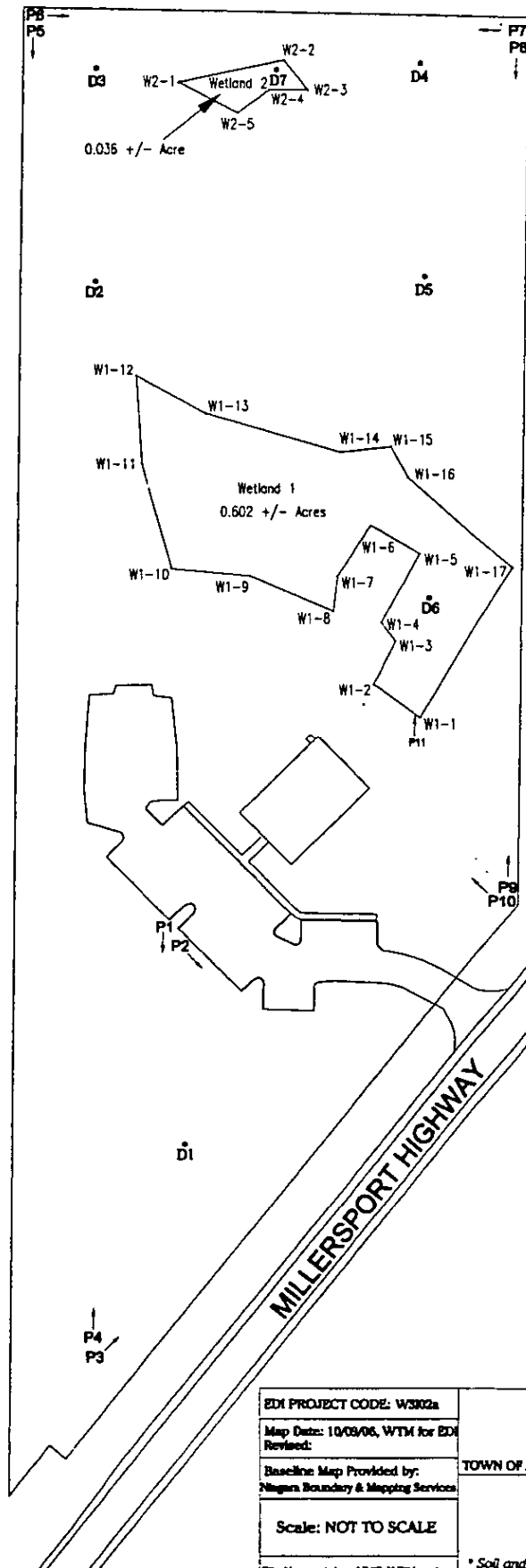
• Soil and Hydrogeologic Investigations
• Wetland Delineations

1091 Jamison Road • Elma, NY 14059
(716) 655-1717 • Fax (716) 655-2915

LEGEND

- W2-3 WETLAND BOUNDARY POINT
- P# PHOTO POINT
- D# DATA POINT

HOPKINS ROAD



WETLAND INVESTIGATION AREA: 6.78± AC.
TOTAL WETLAND AREA: 0.638± AC.



EDI PROJECT CODE: W302a
 Map Date: 10/08/06, WTM for EDI
 Revised:
 Baseline Map Provided by:
 Niagara Boundary & Mapping Services
 Scale: NOT TO SCALE
 File Name: AsburyUMC_WTMMap.d

Figure 7: Wetland Delineation Map

ASBURY UNITED METHODIST CHURCH

TOWN OF AMHERST

ERIE COUNTY, NEW YORK

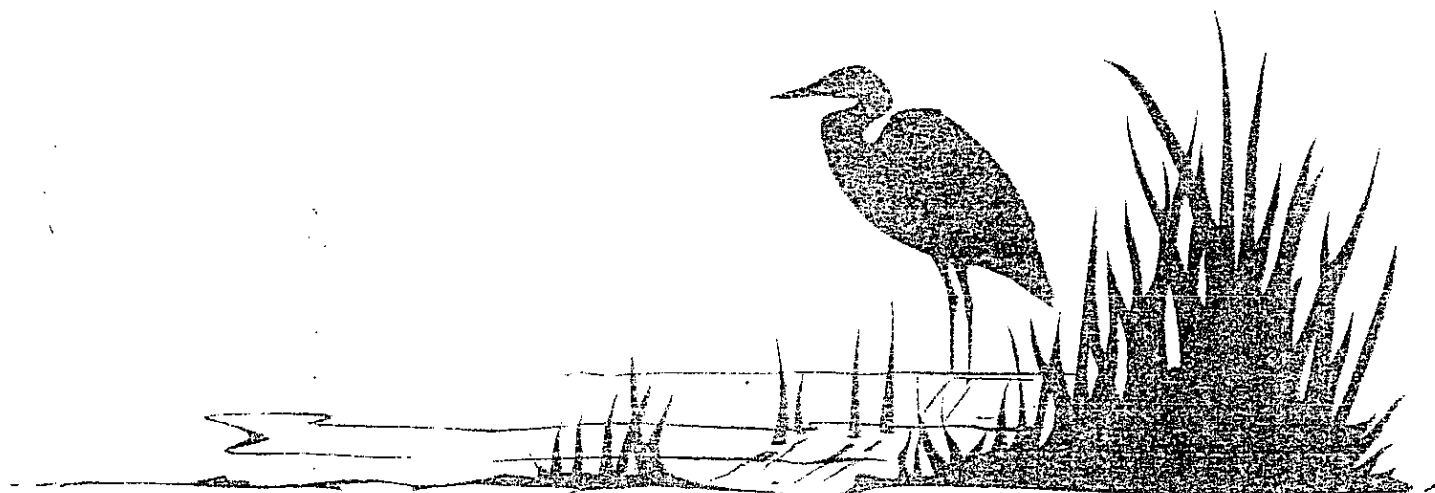


3D DIMENSIONS, INC.

• Soil and Hydrogeologic Investigations
 • Wetland Delineations

1091 Jamison Road • Elma, NY 14059
 (716) 655-1717 • Fax (716) 655-2915

Asbury United Methodist Church



ATTACHMENT B

Data Forms

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>Asbury United Methodist Church</u>	Date: <u>September 15, 2006</u>
Applicant/Owner: <u>Asbury United Methodist Church</u>	Town: <u>Amherst</u>
Investigators: <u>Don Owens & Jody Celeste</u>	County: <u>Erie</u> State: <u>New York</u>
Do Normal Circumstances Exist on the site? <u>(Yes) No</u>	Community ID:
Is the site significantly disturbed (Atypical Situation)? Yes <u>(No)</u>	<u>SUC. N-S HANDWOODS</u>
Is the area a potential Problem Area? Yes <u>(No)</u>	Transect ID: <u>D</u>
(If needed, explain on reverse)	Plot ID: <u>1</u>

VEGETATION

H= Herbaceous Tr= Tree
 Sh= Shrub L= Lianna/ Vine
 Sa= Sapling

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>TOXILodendron</u> <u>radicans</u>	<u>H/Li</u>	<u>FAC</u>	10. <u>VINUS</u> <u>americana</u>	<u>Tr</u>	<u>FACW</u>
2. <u>Aster</u> <u>vimineus</u>	<u>H</u>	<u>FAC</u>	11.		
3. <u>Solidago</u> <u>rustica</u>	<u>H</u>	<u>FAC</u>	12.		
4. <u>TOVANA</u> <u>virginiana</u>	<u>H</u>	<u>FAC</u>	13.		
5. <u>LYSIMACHIA</u> <u>nummularia</u>	<u>H</u>	<u>OBL</u>	14.		
6. <u>CORNUS</u> <u>ssp. racemosa</u>	<u>Sh</u>	<u>FAC</u>	15.		
7. <u>Rhamnus</u> <u>cathartica</u>	<u>Sh</u>	<u>FAC</u>	16.		
8. <u>Acer</u> <u>rubrum</u>	<u>Tr</u>	<u>FAC</u>	17.		
9. <u>FRAXINUS</u> <u>pennsylvanicus</u>	<u>Tr/Sa</u>	<u>FACW</u>	18.		
Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-)			<u>10</u>		<u>(7 FAC SPECIES)</u>
Remarks:			<u>10</u>		

Transect ID: D Plot ID: D-1

HYDROLOGY

<p>Recorded Data (Describe in Remarks)</p> <p><input type="checkbox"/> Stream, Lake or Tide Gauge</p> <p><input type="checkbox"/> Aerial Photographs</p> <p><input type="checkbox"/> Other</p> <p><input checked="" type="checkbox"/> No Recorded Data Available</p>	<p>Wetland hydrology Indicators:</p> <p>Primary Indicators:</p> <p><input type="checkbox"/> Inundated</p> <p><input type="checkbox"/> Saturated in Upper 12 Inches</p> <p><input type="checkbox"/> Water Marks</p> <p><input type="checkbox"/> Drift Lines</p> <p><input type="checkbox"/> Sediment Deposits</p> <p><input type="checkbox"/> Drainage Patterns in Wetlands</p> <p>Secondary Indicators:</p> <p><input type="checkbox"/> Oxidized Root Channels in Upper 12"</p> <p><input type="checkbox"/> Water-stained Leaves</p> <p><input type="checkbox"/> Local Soil Survey Data</p> <p><input type="checkbox"/> FAC-Neutral Test</p> <p><input type="checkbox"/> Other (Explain in Remarks)</p>
<p>Field Observations:</p> <p>Depth of Surface Water: <u>1.2</u> (in.)</p> <p>Depth to Free Water in Pit: <u>5.0</u> (in.)</p> <p>Depth to Saturated Soil: <u>2.0</u> (in.)</p>	
<p>Remarks:</p>	

SOILS

Map Unit Name (Series and Phase): <u>Chicktown</u>	Drainage Class: <u>poor</u>																								
Taxonomy (Subgroup): <u>Tyrol Hapludoll</u>	Field Observations Confirm Mapped Type? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>																								
<p>Profile Description:</p> <table border="1"> <thead> <tr> <th>Depth (inches)</th> <th>Horizon</th> <th>Matrix Color (Muncell Moist)</th> <th>Mottle Colors (Muncell Moist)</th> <th>Mottle Abundance/Contrast</th> <th>Texture, Concretions; Structure, etc.</th> </tr> </thead> <tbody> <tr> <td>0-8</td> <td>A</td> <td>10YR 3/2</td> <td>None</td> <td>-</td> <td>vfsd 2mg</td> </tr> <tr> <td>8-15</td> <td>Bw</td> <td>10YR 5/3</td> <td>10YR 6/3</td> <td>20% distinct</td> <td>vfsd cl</td> </tr> <tr> <td></td> <td></td> <td></td> <td>10YR 5/3</td> <td>20% distinct</td> <td></td> </tr> </tbody> </table>		Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions; Structure, etc.	0-8	A	10YR 3/2	None	-	vfsd 2mg	8-15	Bw	10YR 5/3	10YR 6/3	20% distinct	vfsd cl				10YR 5/3	20% distinct	
Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions; Structure, etc.																				
0-8	A	10YR 3/2	None	-	vfsd 2mg																				
8-15	Bw	10YR 5/3	10YR 6/3	20% distinct	vfsd cl																				
			10YR 5/3	20% distinct																					
<p>Hydric Soil Indicators:</p> <p><input type="checkbox"/> Histosol</p> <p><input type="checkbox"/> Histic Epipedon</p> <p><input type="checkbox"/> Sulfidic Odor</p> <p><input type="checkbox"/> Aquic Moisture Regime</p> <p><input type="checkbox"/> Reducing Conditions</p> <p><input type="checkbox"/> Gleyed or Low-Chroma Colors</p> <p><input type="checkbox"/> Concretions</p> <p><input type="checkbox"/> High Organic Content in Surface Layer Sandy Soils</p> <p><input type="checkbox"/> Organic Streaking in Sandy Soils</p> <p><input type="checkbox"/> Listed on Local Hydric Soils List</p> <p><input type="checkbox"/> Listed on National Hydric Soils List</p> <p><input type="checkbox"/> Other (Explain in Remarks)</p>																									
<p>Remarks: <u>low</u> <u>cosad</u></p>																									

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	Yes	No (circle)	Is this Sampling Point Within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Wetland Hydrology Present?	Yes	<input checked="" type="checkbox"/> No	
Hydric Soils Present?	Yes	<input checked="" type="checkbox"/> No	
<p>Remarks:</p>			

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>Asbury United Methodist Church</u>	Date: <u>September 15, 2006</u>
Applicant/Owner: <u>Asbury United Methodist Church</u>	Town: <u>Amherst</u>
Investigators: <u>Don Owens & Jody Celeste</u>	County: <u>Erie</u> State: <u>New York</u>
Do Normal Circumstances Exist on the site? <u>(Yes) No</u>	Community ID:
Is the site significantly disturbed (Atypical Situation)? <u>Yes (No)</u>	<u>SUC . UPL . FAC</u>
Is the area a potential Problem Area? <u>Yes (No)</u>	Transect ID: <u>D</u>
(If needed, explain on reverse)	Plot ID: <u>2</u>

VEGETATION

H= Herbaceous Tr= Tree
 Sh= Shrub L= Lianna/ Vine
 Sa= Sapling

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Poa pratensis</u>	<u>H</u>	<u>FACU</u>	10.		
2. <u>Danthonia</u> <u>carinata</u>	<u>H</u>	<u>FACU</u>	11.		
3. <u>Solidago</u> <u>canadensis</u>	<u>H</u>	<u>FACU</u>	12.		
4. <u>Dactylis</u> <u>glomerata</u>	<u>H</u>	<u>FACU</u>	13.		
5. <u>Aster spp.</u>	<u>H</u>	<u>*</u>	14.		
6. <u>Populus</u> <u>deltoidea</u>	<u>SA</u>	<u>FAC</u>	15.		
7.			16.		
8.			17.		
9.			18.		
Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-)			$\frac{1}{6}$		
Remarks: <u>ADJACENT TO MAINTAINED DITCH + SPILL PILE</u>					

Transect ID: D Plot ID: D-2

HYDROLOGY

<p>Recorded Data (Describe in Remarks)</p> <p><input type="checkbox"/> Stream, Lake or Tide Gauge</p> <p><input type="checkbox"/> Aerial Photographs</p> <p><input type="checkbox"/> Other</p> <p><input checked="" type="checkbox"/> No Recorded Data Available</p>	<p>Wetland hydrology Indicators:</p> <p>Primary Indicators:</p> <p><input type="checkbox"/> Inundated</p> <p><input type="checkbox"/> Saturated in Upper 12 Inches</p> <p><input type="checkbox"/> Water Marks</p> <p><input type="checkbox"/> Drift Lines</p> <p><input type="checkbox"/> Sediment Deposits</p> <p><input type="checkbox"/> Drainage Patterns in Wetlands</p> <p>Secondary Indicators:</p> <p><input type="checkbox"/> Oxidized Root Channels in Upper 12"</p> <p><input type="checkbox"/> Water-stained Leaves</p> <p><input type="checkbox"/> Local Soil Survey Data</p> <p><input type="checkbox"/> FAC-Neutral Test</p> <p><input type="checkbox"/> Other (Explain in Remarks)</p>
<p>Field Observations:</p> <p>Depth of Surface Water: <u>1.500</u> (in.)</p> <p>Depth to Free Water in Pit: <u>7.00</u> (in.)</p> <p>Depth to Saturated Soil: <u>7.00</u> (in.)</p>	
<p>Remarks:</p>	

SOILS

<p>Map Unit Name (Series and Phase): <u>Chickadee</u></p> <p>Taxonomy (Subgroup): <u>Hygie Hapludoll</u></p>	<p>Drainage Class: <u>Keokuk</u></p> <p>Field Observations</p> <p>Confirm Mapped Type? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>																								
<p>Profile Description:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Depth (inches)</th> <th>Horizon</th> <th>Matrix Color (Muncell Moist)</th> <th>Mottle Colors (Muncell Moist)</th> <th>Mottle Abundance/Contrast</th> <th>Texture, Concretions, Structure, etc.</th> </tr> </thead> <tbody> <tr> <td>0-6</td> <td>A</td> <td>10YR2/1</td> <td>None</td> <td>-</td> <td>Very loam</td> </tr> <tr> <td>6-15</td> <td>Bw</td> <td>10YR6/3</td> <td>10YR6/6</td> <td>20% distinct</td> <td>Very loam</td> </tr> <tr> <td></td> <td></td> <td></td> <td>10YR3/2</td> <td>15% distinct</td> <td></td> </tr> </tbody> </table>		Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.	0-6	A	10YR2/1	None	-	Very loam	6-15	Bw	10YR6/3	10YR6/6	20% distinct	Very loam				10YR3/2	15% distinct	
Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.																				
0-6	A	10YR2/1	None	-	Very loam																				
6-15	Bw	10YR6/3	10YR6/6	20% distinct	Very loam																				
			10YR3/2	15% distinct																					
<p>Hydric Soil Indicators:</p> <p><input type="checkbox"/> Histosol</p> <p><input type="checkbox"/> Histic Epipedon</p> <p><input type="checkbox"/> Sulfidic Odor</p> <p><input type="checkbox"/> Aquic Moisture Regime</p> <p><input type="checkbox"/> Reducing Conditions</p> <p><input type="checkbox"/> Gleyed or Low-Chroma Colors</p> <p><input type="checkbox"/> Concretions</p> <p><input type="checkbox"/> High Organic Content in Surface Layer Sandy Soils</p> <p><input type="checkbox"/> Organic Streaking in Sandy Soils</p> <p><input type="checkbox"/> Listed on Local Hydric Soils List</p> <p><input type="checkbox"/> Listed on National Hydric Soils List</p> <p><input type="checkbox"/> Other (Explain in Remarks)</p>																									
<p>Remarks: <u>SW</u> <u>Coast</u></p>																									

WETLAND DETERMINATION

<p>Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (circle)</p> <p>Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Hydric Soils Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Is this Sampling Point Within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Remarks:</p>	

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>Asbury United Methodist Church</u>	Date: <u>September 15, 2006</u>
Applicant/Owner: <u>Asbury United Methodist Church</u>	Town: <u>Amherst</u>
Investigators: <u>Don Owens & Jody Celeste</u>	County: <u>Erie</u> State: <u>New York</u>
Do Normal Circumstances Exist on the site? <u>(Yes)</u> No	Community ID:
Is the site significantly disturbed (Atypical Situation)? Yes <u>(No)</u>	<u>SUB. UPL. FIELD</u>
Is the area a potential Problem Area? Yes <u>(No)</u>	Transect ID: <u>D</u>
(If needed, explain on reverse)	Plot ID: <u>3</u>

VEGETATION

H= Herbaceous Tr= Tree
 Sh= Shrub L= Lianna/ Vine
 Sa= Sapling

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Solidago canadensis</u>	<u>H</u>	<u>FACU</u>	10.		
2. <u>Centaurea maculosa</u>	<u>H</u>	<u>FACU</u>	11.		
3. <u>Taxilodendron radicans</u>	<u>H</u>	<u>FAC</u>	12.		
4. <u>FRAXINUS pennsylvanica</u>	<u>SA/TR</u>	<u>FACW</u>	13.		
5. <u>Juglans nigra</u>	<u>SA</u>	<u>FACU</u>	14.		
6. <u>Vitis americana</u>	<u>Tr</u>	<u>FACW</u>	15.		
7. <u>Phragmites australis</u>	<u>H</u>	<u>FACW</u>	16.		
8.			17.		
9.			18.		
Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-)			<u>4</u>		
			<u>7</u>		
Remarks: <u>mostly goldenrod</u>					

Transect ID: D

Plot ID: P-2

HYDROLOGY

Recorded Data (Describe in Remarks)
 Stream, Lake or Tide Gauge
 Aerial Photographs
 Other
 No Recorded Data Available

Wetland hydrology Indicators:

Primary Indicators:

- Inundated
- Saturated in Upper 12 Inches
- Water Marks
- Drift Lines
- Sediment Deposits
- Drainage Patterns in Wetlands

Secondary Indicators:

- Oxidized Root Channels in Upper 12"
- Water-stained Leaves
- Local Soil Survey Data
- FAC-Neutral Test
- Other (Explain in Remarks)

Field Observations:

Depth of Surface Water: 11.5 (in.)

Depth to Free Water in Pit: 7.20 (in.)

Depth to Saturated Soil: 7.20 (in.)

Remarks:

SOILS

Map Unit Name (Series and Phase): Chesletowaga

Taxonomy (Subgroup): Typic Hapludoll

Drainage Class: Ba

Field Observations

Confirm Mapped Type? Yes No

Profile Description:

Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
0-12	K11	10YR 3/3	Nrnc	-	grit v. fine massive
12-18	A	10YR 2/4	Nrnc	-	v. fine frag
18-20	Bw	10YR 2/3	10YR 3/1	25% distinct	v. fine to SBR

Hydric Soil Indicators:

- Histosol
- Histic Epipedon
- Sulfidic Odor
- Aquic Moisture Regime
- Reducing Conditions
- Gleyed or Low-Chroma Colors
- Concretions
- High Organic Content in Surface Layer Sandy Soils
- Organic Streaking in Sandy Soils
- Listed on Local Hydric Soils List
- Listed on National Hydric Soils List
- Other (Explain in Remarks)

Remarks:

WETLAND DETERMINATION

Hydrophytic Vegetation Present? Yes No (circle)

Wetland Hydrology Present? Yes No

Hydric Soils Present? Yes No

Is this Sampling Point Within a Wetland? Yes No

Remarks:

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>Asbury United Methodist Church</u>	Date: <u>September 15, 2006</u>
Applicant/Owner: <u>Asbury United Methodist Church</u>	Town: <u>Amherst</u>
Investigators: <u>Don Owens & Jody Celeste</u>	County: <u>Erie</u> State: <u>New York</u>
Do Normal Circumstances Exist on the site? <input checked="" type="radio"/> Yes <input type="radio"/> No	Community ID:
Is the site significantly disturbed (Atypical Situation)? Yes <input type="radio"/> No <input checked="" type="radio"/>	<u>SJC 7 25 5 12 2 2 2 2 2 2</u>
Is the area a potential Problem Area? Yes <input type="radio"/> No <input checked="" type="radio"/> (If needed, explain on reverse)	Transect ID: <u>D</u> Plot ID: <u>4</u>

VEGETATION

H= Herbaceous Tr= Tree
 Sh= Shrub L= Lianna/ Vine
 Sa= Sapling

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Toxicodendron radicans!</u>	<u>L/H</u>	<u>FAC</u>	10.		
2. <u>Ulmus americana</u>	<u>Tr</u>	<u>FACW</u>	11.		
3. <u>Solidago canadensis</u>	<u>H</u>	<u>FACW</u>	12.		
4. <u>Lonicera tatarica</u>	<u>Sh</u>	<u>FACW</u>	13.		
5. <u>Aster spp.</u>	<u>H</u>	<u>*</u>	14.		
6. <u>Rhamnus cathartica</u>	<u>Sh</u>	<u>FAC</u>	15.		
7. <u>Toxaria virginiana</u>	<u>H</u>	<u>FAC</u>	16.		
8. <u>Fraxinus pennsylvanica</u>	<u>Tr</u>	<u>FACW</u>	17.		
9. <u>Vitis aestivalis</u>	<u>LI</u>	<u>FACW</u>	18.		

Percent of Dominant Species that are OBL,
 FACW or FAC (excluding FAC-)

Remarks:

Transect ID: D Plot ID: _____

HYDROLOGY

<input type="checkbox"/> Recorded Data (Describe in Remarks) <input type="checkbox"/> Stream, Lake or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available	Wetland hydrology Indicators: Primary Indicators: <input type="checkbox"/> Inundated <input type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands Secondary Indicators: <input type="checkbox"/> Oxidized Root Channels in Upper 12" <input type="checkbox"/> Water-stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: <u>None</u> (in.) Depth to Free Water in Pit: <u>7.8</u> (in.) Depth to Saturated Soil: <u>7.8</u> (in.)	
Remarks: 	

SOILS

Map Unit Name (Series and Phase): <u>Cosad</u> Taxonomy (Subgroup): <u>Aquic Udolvent</u>	Drainage Class: <u>SuF</u> Field Observations Confirm Mapped Type? <input checked="" type="radio"/> Yes <input type="radio"/> No																								
Profile Description: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Depth (inches)</th> <th>Horizon</th> <th>Matrix Color (Muncell Moist)</th> <th>Mottle Colors (Muncell Moist)</th> <th>Mottle Abundance/Contrast</th> <th>Texture, Concretions, Structure, etc.</th> </tr> </thead> <tbody> <tr> <td>0-7</td> <td>A</td> <td>10YR3/3</td> <td>None</td> <td>—</td> <td>vsd clay</td> </tr> <tr> <td>7-13</td> <td>Bw</td> <td>10YR3/3</td> <td>10YR5/3</td> <td>10% distinct</td> <td>vsd clay</td> </tr> <tr> <td></td> <td></td> <td></td> <td>10YR5/2</td> <td>5% faint</td> <td></td> </tr> </tbody> </table>		Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.	0-7	A	10YR3/3	None	—	vsd clay	7-13	Bw	10YR3/3	10YR5/3	10% distinct	vsd clay				10YR5/2	5% faint	
Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.																				
0-7	A	10YR3/3	None	—	vsd clay																				
7-13	Bw	10YR3/3	10YR5/3	10% distinct	vsd clay																				
			10YR5/2	5% faint																					
Hydric Soil Indicators: <input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors <input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)																									
Remarks: <u>Cosad</u>																									

WETLAND DETERMINATION

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (circle) Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Hydric Soils Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is this Sampling Point Within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: 	

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>Asbury United Methodist Church</u>	Date: <u>September 15, 2006</u>
Applicant/Owner: <u>Asbury United Methodist Church</u>	Town: <u>Amherst</u>
Investigators: <u>Don Owens & Jody Celeste</u>	County: <u>Erie</u> State: <u>New York</u>
Do Normal Circumstances Exist on the site? <u>(Yes)</u> No	Community ID:
Is the site significantly disturbed (Atypical Situation)? Yes <u>(No)</u>	<u>Svc. N.S. / H. 1000000</u>
Is the area a potential Problem Area? Yes <u>(No)</u>	Transect ID: <u>D</u>
(If needed, explain on reverse)	Plot ID: <u>S</u>

+ for
Asbury
Field

VEGETATION

H= Herbaceous Tr= Tree
 Sh= Shrub L= Lianna/ Vine
 Sa= Sapling

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>TOVARA VIRGINIANA</u>	<u>H</u>	<u>FAC</u>	10.		
2. <u>Solidago canadensis</u>	<u>H</u>	<u>FACW</u>	11.		
3. <u>Solidago rugosa</u>	<u>H</u>	<u>FAC</u>	12.		
4. <u>Aster spp</u>	<u>H</u>	<u>*</u>	13.		
5. <u>Toxicodendron radicans</u>	<u>H/L</u>	<u>FAC</u>	14.		
6. <u>Acer rubrum</u>	<u>Tr</u>	<u>FAC</u>	15.		
7. <u>Vimus americana</u>	<u>Tr</u>	<u>FACW</u>	16.		
8. <u>Cornus foenicula ssp. racemosa</u>	<u>Sh</u>	<u>FAC</u>	17.		
9.			18.		

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-) $\frac{6}{8}$ 75% (5 FAC species)

Remarks:

Transect ID: D	Plot ID: D-5
----------------	--------------

HYDROLOGY

<input type="checkbox"/> Recorded Data (Describe in Remarks) <input type="checkbox"/> Stream, Lake or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available	Wetland hydrology Indicators: Primary Indicators: <input type="checkbox"/> Inundated <input type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands Secondary Indicators: <input type="checkbox"/> Oxidized Root Channels in Upper 12" <input type="checkbox"/> Water-stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: <u>None</u> (in.) Depth to Free Water in Pit: <u>27.5</u> (in.) Depth to Saturated Soil: <u>27.5</u> (in.)	
Remarks:	

SOILS

Map Unit Name (Series and Phase): <u>Cosco</u>	Drainage Class: <u>SWP</u>				
Taxonomy (Subgroup): <u>Acric Udollicent</u>	Field Observations Confirm Mapped Type? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Profile Description:					
Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
<u>0-8</u>	<u>A</u>	<u>10YR 3/6</u>	<u>None</u>	<u>—</u>	<u>vfc 2mg</u>
<u>8-19</u>	<u>Bw</u>	<u>10YR 5/2</u>	<u>10YR 5/6</u>	<u>70% distinct</u> <u>30% faint</u>	<u>vfc 1 c sbk</u>
Hydric Soil Indicators:					
<input type="checkbox"/> Histosol	<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Gleyed or Low-Chroma Colors
<input type="checkbox"/> Concretions	<input type="checkbox"/> High Organic Content in Surface Layer Sandy Soils	<input type="checkbox"/> Organic Streaking in Sandy Soils	<input type="checkbox"/> Listed on Local Hydric Soils List	<input type="checkbox"/> Listed on National Hydric Soils List	<input type="checkbox"/> Other (Explain in Remarks)
Remarks: <u>Cosco</u>					

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	Yes	No (circle)	Is this Sampling Point Within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Wetland Hydrology Present?	Yes	No (circle)	
Hydric Soils Present?	Yes	No (circle)	
Remarks:			

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>Asbury United Methodist Church</u>	Date: <u>September 15, 2006</u>
Applicant/Owner: <u>Asbury United Methodist Church</u>	Town: <u>Amherst</u>
Investigators: <u>Don Owens & Jody Celeste</u>	County: <u>Erie</u>
	State: <u>New York</u>
Do Normal Circumstances Exist on the site? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Community ID:
Is the site significantly disturbed (Atypical Situation)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>Low water 1/2012</u>
Is the area a potential Problem Area? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Transect ID: <u>D</u>
(If needed, explain on reverse)	Plot ID: <u>6</u>

VEGETATION

H= Herbaceous Tr= Tree
 Sh= Shrub L= Lianna/ Vine
 Sa= Sapling

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Juncus effusus</u>	<u>H</u>	<u>FACW</u>	10.		
2. <u>Lythrum salicaria</u>	<u>H</u>	<u>FACW</u>	11.		
3. <u>Phragmites australis</u>	<u>H</u>	<u>FACW</u>	12.		
4. <u>Aster spp.</u>	<u>H</u>	<u>*</u>	13.		
5. <u>Carex spp</u>	<u>H</u>	<u>*</u>	14.		
6. <u>Populus deltoides</u>	<u>SA</u>	<u>FAC</u>	15.		
7.			16.		
8.			17.		
9.			18.		
Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-)			$\frac{4}{6}$		
Remarks: <u>~L. salicaria ~ 50%</u>					

Transect ID: D Plot ID: D-6

HYDROLOGY

<p>Recorded Data (Describe in Remarks)</p> <p><input type="checkbox"/> Stream, Lake or Tide Gauge</p> <p><input type="checkbox"/> Aerial Photographs</p> <p><input type="checkbox"/> Other</p> <p><input checked="" type="checkbox"/> No Recorded Data Available</p>	<p>Wetland hydrology Indicators:</p> <p>Primary Indicators:</p> <p><input type="checkbox"/> Inundated</p> <p><input type="checkbox"/> Saturated in Upper 12 Inches</p> <p><input type="checkbox"/> Water Marks</p> <p><input type="checkbox"/> Drift Lines</p> <p><input type="checkbox"/> Sediment Deposits</p> <p><input type="checkbox"/> Drainage Patterns in Wetlands</p> <p>Secondary Indicators:</p> <p><input type="checkbox"/> Oxidized Root Channels in Upper 12"</p> <p><input type="checkbox"/> Water-stained Leaves</p> <p><input type="checkbox"/> Local Soil Survey Data</p> <p><input type="checkbox"/> FAC-Neutral Test</p> <p><input type="checkbox"/> Other (Explain in Remarks)</p>
<p>Field Observations:</p> <p>Depth of Surface Water: <u>2</u> (in.)</p> <p>Depth to Free Water in Pit: <u>1.5</u> (in.)</p> <p>Depth to Saturated Soil: <u>2</u> (in.)</p>	
<p>Remarks:</p>	

SOILS

Map Unit Name (Series and Phase): <u>Cosad</u>	Drainage Class: <u>SuP</u>																		
Taxonomy (Subgroup): <u>Aeric Udorthent</u>	Field Observations Confirm Mapped Type? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>																		
<p>Profile Description:</p> <table border="1"> <thead> <tr> <th>Depth (inches)</th> <th>Horizon</th> <th>Matrix Color (Muncell Moist)</th> <th>Mottle Colors (Muncell Moist)</th> <th>Mottle Abundance/Contrast</th> <th>Texture, Concretions, Structure, etc.</th> </tr> </thead> <tbody> <tr> <td>0-4</td> <td><u>OS1C</u></td> <td><u>10YR 2/1</u></td> <td><u>None</u></td> <td><u>-</u></td> <td><u>sil massive</u></td> </tr> <tr> <td>4-15</td> <td><u>DISTURBED soil</u></td> <td><u>7.5YR 5/3</u></td> <td><u>None</u></td> <td><u>-</u></td> <td><u>sil massive</u></td> </tr> </tbody> </table>		Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.	0-4	<u>OS1C</u>	<u>10YR 2/1</u>	<u>None</u>	<u>-</u>	<u>sil massive</u>	4-15	<u>DISTURBED soil</u>	<u>7.5YR 5/3</u>	<u>None</u>	<u>-</u>	<u>sil massive</u>
Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.														
0-4	<u>OS1C</u>	<u>10YR 2/1</u>	<u>None</u>	<u>-</u>	<u>sil massive</u>														
4-15	<u>DISTURBED soil</u>	<u>7.5YR 5/3</u>	<u>None</u>	<u>-</u>	<u>sil massive</u>														
<p>Hydric Soil Indicators:</p> <table border="0"> <tr> <td><input type="checkbox"/> Histosol</td> <td><input type="checkbox"/> Concretions</td> </tr> <tr> <td><input type="checkbox"/> Histic Epipedon</td> <td><input type="checkbox"/> High Organic Content in Surface Layer Sandy Soils</td> </tr> <tr> <td><input type="checkbox"/> Sulfidic Odor</td> <td><input type="checkbox"/> Organic Streaking in Sandy Soils</td> </tr> <tr> <td><input type="checkbox"/> Aquic Moisture Regime</td> <td><input type="checkbox"/> Listed on Local Hydric Soils List</td> </tr> <tr> <td><input type="checkbox"/> Reducing Conditions</td> <td><input type="checkbox"/> Listed on National Hydric Soils List</td> </tr> <tr> <td><input type="checkbox"/> Gleyed or Low-Chroma Colors</td> <td><input type="checkbox"/> Other (Explain in Remarks)</td> </tr> </table>		<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions	<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer Sandy Soils	<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils	<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List	<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List	<input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)						
<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions																		
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer Sandy Soils																		
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils																		
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List																		
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List																		
<input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)																		
<p>Remarks: <u>Udorthent within wetland basin</u></p>																			

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (circle)	Is this Sampling Point Within a Wetland? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wetland Hydrology Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Hydric Soils Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>Remarks:</p>	

DATA FORM
ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: <u>Asbury United Methodist Church</u>	Date: <u>September 15, 2006</u>
Applicant/Owner: <u>Asbury United Methodist Church</u>	Town: <u>Amherst</u>
Investigators: <u>Don Owens & Jody Celeste</u>	County: <u>Erie</u> State: <u>New York</u>
Do Normal Circumstances Exist on the site? Yes <input checked="" type="radio"/> No <input type="radio"/>	Community ID:
Is the site significantly disturbed (Atypical Situation)? Yes <input type="radio"/> No <input checked="" type="radio"/>	<u>PFD</u>
Is the area a potential Problem Area? Yes <input type="radio"/> No <input checked="" type="radio"/>	Transect ID: <u>D</u>
(If needed, explain on reverse)	Plot ID: <u>7</u>

VEGETATION

H= Herbaceous Tr= Tree
 Sh= Shrub L= Lianna/ Vine
 Sa= Sapling

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <i>Gnocla sensu stricto</i>	H	FACW	10.		
2. <i>Glyceria striata</i>	H	OBL	11.		
3. <i>Toxicodendron radicans</i>	L/H	FAC	12.		
4. <i>Ulmus americana</i>	Tr	FACW	13.		
5. <i>Fraxinus pennsylvanica</i>	Tr/Sa	FACW	14.		
6. <i>Lysimachia nummularia</i>	H	OBL	15.		
7. <i>Taxus virginiana</i>	H	FAC	16.		
8. <i>Acer rubrum</i>	Tr	FAC	17.		
9. <i>Cornus americana</i>	Sh	FACW	18.		
Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-)			$\frac{9}{9}$		3 FAC
Remarks:					

Transect ID: D Plot ID: D-7

HYDROLOGY

<p><input type="checkbox"/> Recorded Data (Describe in Remarks)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Stream, Lake or Tide Gauge</p> <p style="padding-left: 20px;"><input type="checkbox"/> Aerial Photographs</p> <p style="padding-left: 20px;"><input type="checkbox"/> Other</p> <p><input checked="" type="checkbox"/> No Recorded Data Available</p>	<p>Wetland hydrology Indicators:</p> <p>Primary Indicators:</p> <p><input type="checkbox"/> Inundated</p> <p><input type="checkbox"/> Saturated in Upper 12 Inches</p> <p><input type="checkbox"/> Water Marks</p> <p><input type="checkbox"/> Drift Lines</p> <p><input type="checkbox"/> Sediment Deposits</p> <p><input type="checkbox"/> Drainage Patterns in Wetlands</p> <p>Secondary Indicators:</p> <p><input checked="" type="checkbox"/> Oxidized Root Channels in Upper 12"</p> <p><input type="checkbox"/> Water-stained Leaves</p> <p><input checked="" type="checkbox"/> Local Soil Survey Data</p> <p><input type="checkbox"/> FAC-Neutral Test</p> <p><input type="checkbox"/> Other (Explain in Remarks)</p>
<p>Field Observations:</p> <p>Depth of Surface Water: <u>None</u> (in.)</p> <p>Depth to Free Water in Pit: <u>172</u> (in.)</p> <p>Depth to Saturated Soil: <u>512</u> (in.)</p>	
<p>Remarks:</p>	

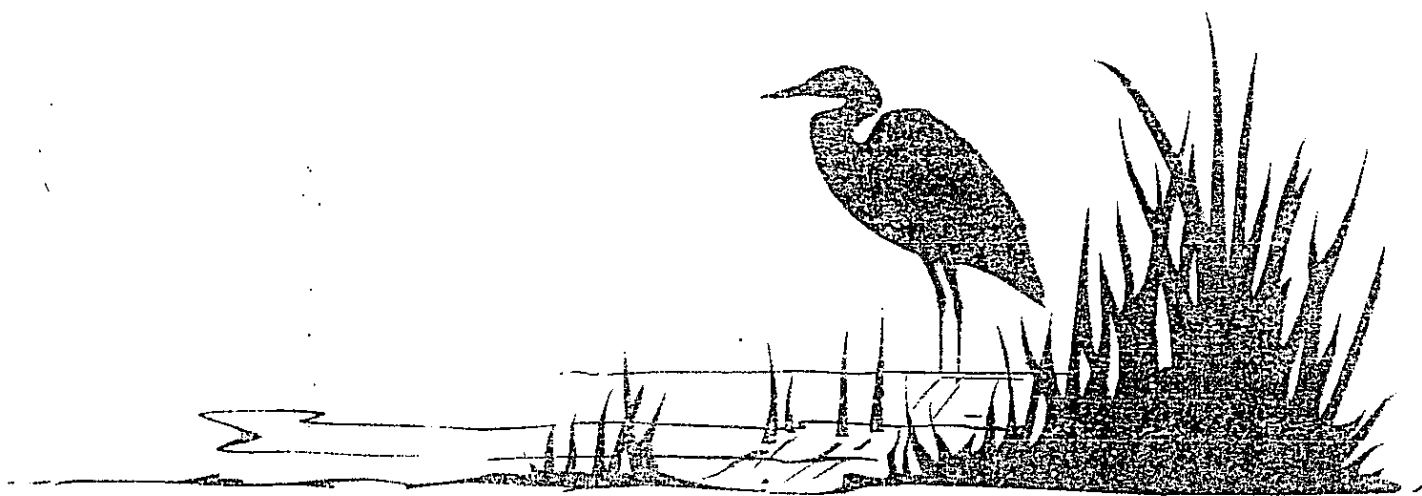
SOILS

<p>Map Unit Name (Series and Phase): <u>Chicktown</u></p>		<p>Drainage Class: <u>B21</u></p>																			
<p>Taxonomy (Subgroup): <u>Typic Endogleptisols</u></p>		<p>Field Observations Confirm Mapped Type? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>																			
<p>Profile Description:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Depth (inches)</th> <th>Horizon</th> <th>Matrix Color (Muncell Moist)</th> <th>Mottle Colors (Muncell Moist)</th> <th>Mottle Abundance/Contrast</th> <th>Texture, Concretions, Structure, etc.</th> </tr> </thead> <tbody> <tr> <td>0-8</td> <td>A</td> <td>10YR²/1</td> <td>10YR⁵/3</td> <td>5% detrit</td> <td>vfsl 2mar</td> </tr> <tr> <td>8-19</td> <td>Bw</td> <td>10YR⁵/2-5/2</td> <td>10YR⁵/6</td> <td>30% detrit</td> <td>vfsl 1c5B/C</td> </tr> </tbody> </table>				Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.	0-8	A	10YR ² /1	10YR ⁵ /3	5% detrit	vfsl 2mar	8-19	Bw	10YR ⁵ /2-5/2	10YR ⁵ /6	30% detrit	vfsl 1c5B/C
Depth (inches)	Horizon	Matrix Color (Muncell Moist)	Mottle Colors (Muncell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.																
0-8	A	10YR ² /1	10YR ⁵ /3	5% detrit	vfsl 2mar																
8-19	Bw	10YR ⁵ /2-5/2	10YR ⁵ /6	30% detrit	vfsl 1c5B/C																
<p>Hydric Soil Indicators:</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Histosol</td> <td><input type="checkbox"/> Concretions</td> </tr> <tr> <td><input type="checkbox"/> Histic Epipedon</td> <td><input type="checkbox"/> High Organic Content in Surface Layer Sandy Soils</td> </tr> <tr> <td><input type="checkbox"/> Sulfidic Odor</td> <td><input type="checkbox"/> Organic Streaking in Sandy Soils</td> </tr> <tr> <td><input type="checkbox"/> Aquic Moisture Regime</td> <td><input checked="" type="checkbox"/> Listed on Local Hydric Soils List</td> </tr> <tr> <td><input type="checkbox"/> Reducing Conditions</td> <td><input checked="" type="checkbox"/> Listed on National Hydric Soils List</td> </tr> <tr> <td><input type="checkbox"/> Gleyed or Low-Chroma Colors</td> <td><input type="checkbox"/> Other (Explain in Remarks)</td> </tr> </table>				<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions	<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer Sandy Soils	<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils	<input type="checkbox"/> Aquic Moisture Regime	<input checked="" type="checkbox"/> Listed on Local Hydric Soils List	<input type="checkbox"/> Reducing Conditions	<input checked="" type="checkbox"/> Listed on National Hydric Soils List	<input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)						
<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions																				
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer Sandy Soils																				
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils																				
<input type="checkbox"/> Aquic Moisture Regime	<input checked="" type="checkbox"/> Listed on Local Hydric Soils List																				
<input type="checkbox"/> Reducing Conditions	<input checked="" type="checkbox"/> Listed on National Hydric Soils List																				
<input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)																				
<p>Remarks: <u>Chicktown</u></p>																					

WETLAND DETERMINATION

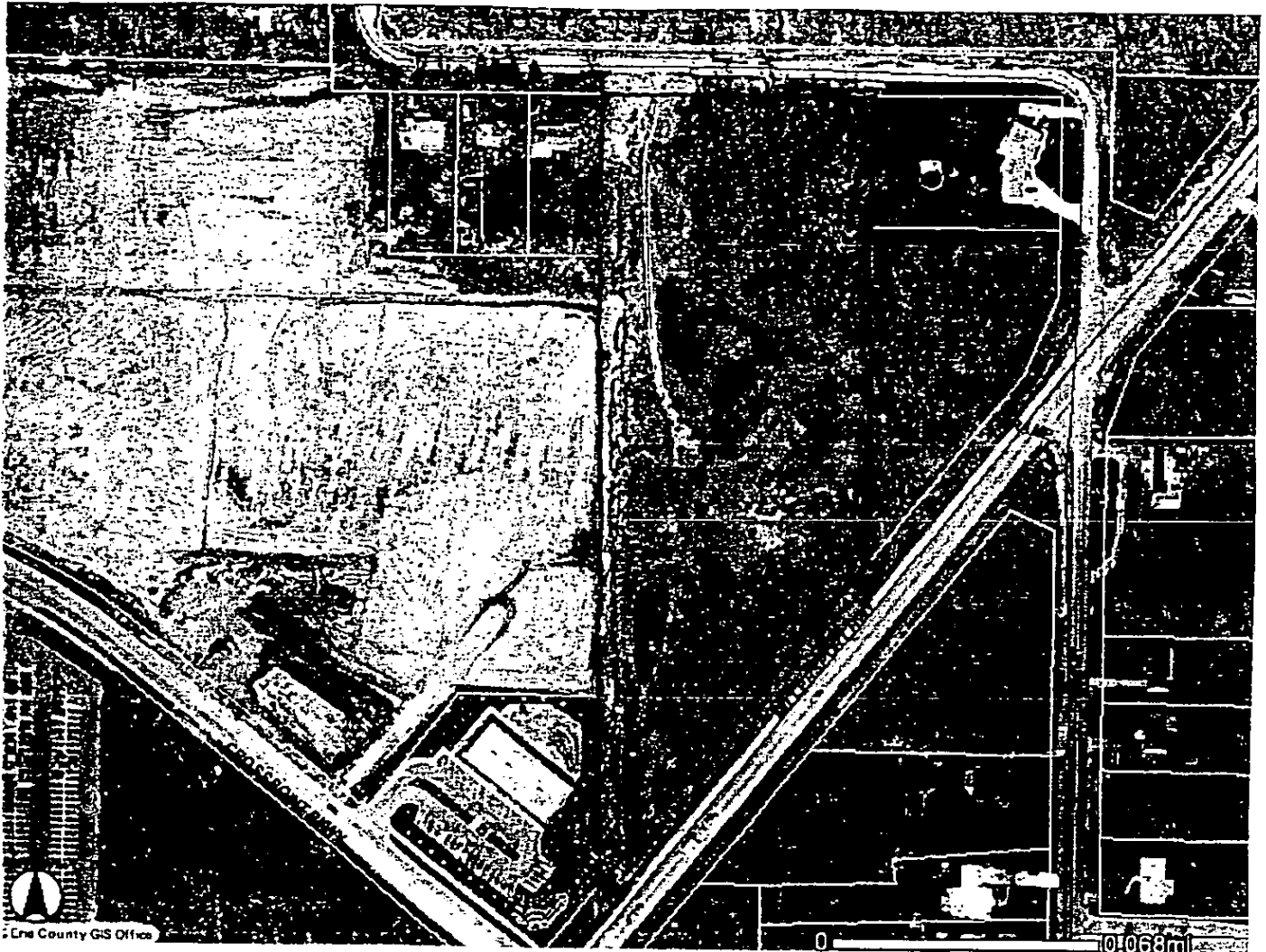
Hydrophytic Vegetation Present?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (circle)	Is this Sampling Point Within a Wetland? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wetland Hydrology Present?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Hydric Soils Present?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>Remarks:</p>		

Asbury United Methodist Church



ATTACHMENT C

Aerial Photograph

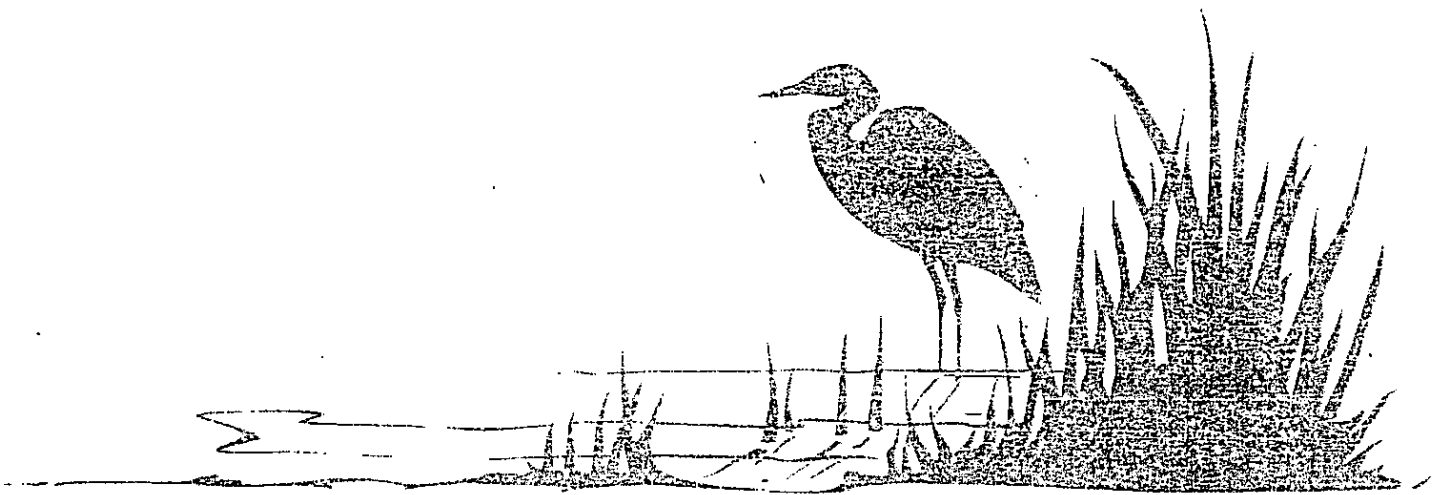


Attachment C: Aerial Photograph, 2002 Orthophotography
<http://erie-gis.co.erie.ny.us/>
Site visited 09-15-2006.

Asbury United Methodist Church
Town of Amherst, Erie County, New York



Asbury United Methodist Church



ATTACHMENT D

Site Photographs

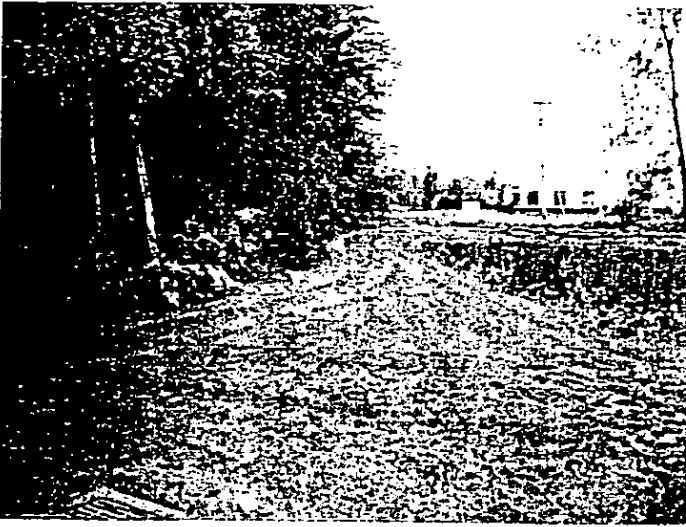


Photo 1: Facing south from the central portion of the site; depicts the southern portion of the site.



Photo 2: Facing east along the existing development; depicts the southeastern portion of the site.



Photo 3: Facing northeast from near the southern tip of the property, depicts successional northern- southern hardwoods.



Photo 4: Facing north from near the southern tip of the property; depicts the successional upland field area and maintained ditch area.



Photo 5: Facing north along spoil pile areas adjacent to the maintained ditch; depicts *Phragmites* on scraped soil area.



Photo 6: Facing east from along Hopkins Road; depicts the northern property line.



Photo 7: Facing west from along Hopkins Road; depicts the northern property boundary.



Photo 8: Facing south from along Hopkins Road; depicts the eastern property boundary.



Photo 9: Facing north the property corner at Millersport Highway; depicts the eastern property boundary.

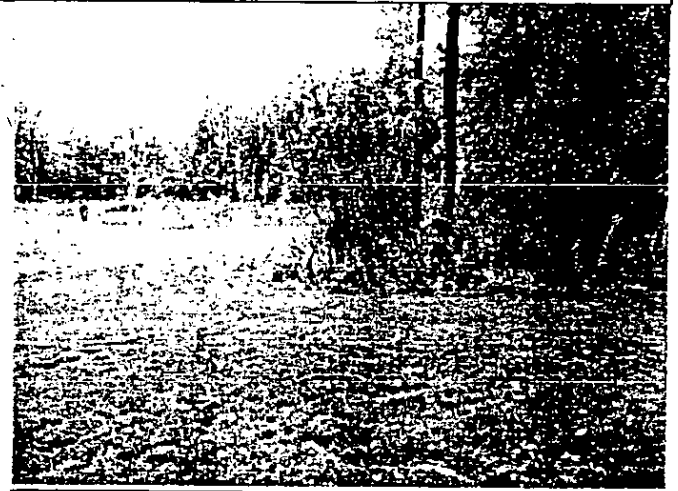
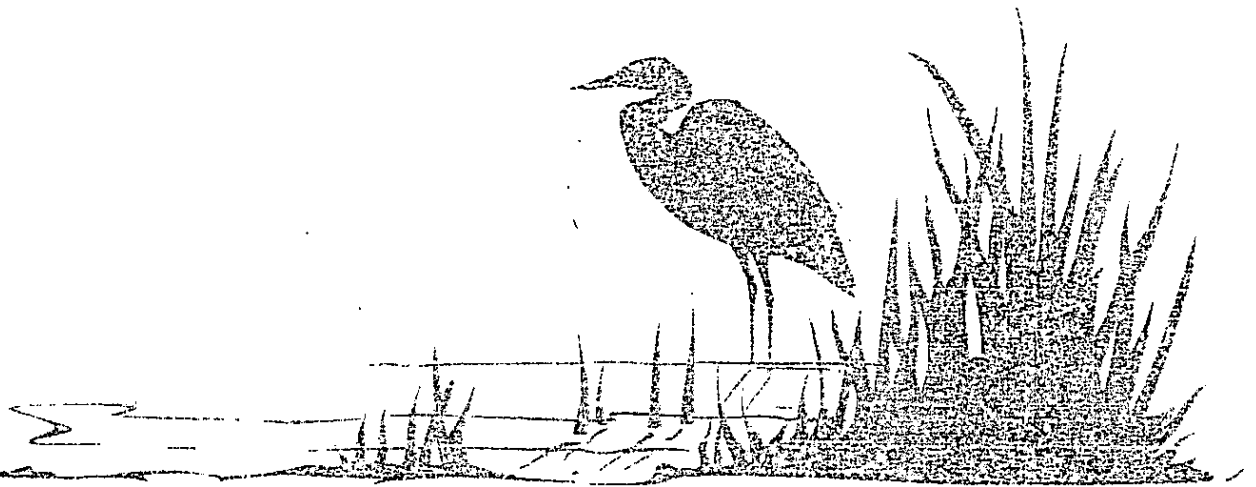


Photo 10: Facing northwest from the property corner at Millersport Highway; depicts maintained/mown lawn.



Photo 11: Facing north from near wetland flag W1-1; depicts the reed/loosestrife marsh vegetation of Wetland 1.

Asbury United Methodist Church



ATTACHMENT E

References

INFORMATIONAL REFERENCES USED BY EARTH DIMENSIONS INC.

- Andrus, R.E. 1980. Sphagnaceae (Peat Moss Family) of New York State. Contributions to a Flora of New York State III, R.S. Mitchell (Ed.), Bulletin No. 442, New York State Museum, Albany, New York. 89 pp.
- Benyus, J.M. 1989. The Field Guide to Wildlife Habitats of the Eastern United States. Fireside, Simon & Shuster, Inc., New York. 335 pp.
- Britton, N.L., and H.A. Brown. 1970. An Illustrated Flora of the Northern United States and Canada, Volumes 1, 2, and 3. Dover Publications, Inc., New York. 2052 pp.
- Brockman, C.F., R. Merrilees, and H.S. Zim. 1968. Trees of North America: A Field Guide to the Major Native and Introduced Species North of Mexico. Western Publishing, Inc. New York, New York. 280 pp.
- Brown, L. 1979. Grasses: An Identification Guide. Peterson Nature Library. Houghton Mifflin Co., Boston. 240 pp.
- Cobb, B. 1963. A Field Guide to the Ferns and Related Families. Houghton Mifflin Co., Boston. 281 pp.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. Laroe. 1979. Classification of Wetlands and Deep Water Habitats of the United States. U.S. Fish and Wildlife Service, Washington, D.C. FWS/OBS-79-31. 103 pp.
- Eggers, S.D., and D.M. Reed. 1997. Wetland Plants and Plant Communities of Minnesota and Wisconsin. Second Edition. U.S. Army Corps of Engineers, St. Paul District, Minnesota. 263 pp.
- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1, U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, Mass. 100 pp. plus appendices.
- Federal Interagency Committee for Wetland Delineation. 1989. Federal Manual for Identifying and Delineating Jurisdictional Wetlands. U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S.D.A. Soil Conservation Service, Washington, D.C. Cooperative technical publication. 76 pp. plus appendices.
- Hotchkiss, N. 1970. Common Marsh Plants of the United States and Canada. U.S.

Department of the Interior, Bureau of Sport Fisheries and Wildlife, Washington, D.C., Resource Publication 93. 99 pp.

Hurley, L.M. 1990. Field Guide to the Submerged Aquatic Vegetation of Chesapeake Bay. U.S. Fish and Wildlife Service, Chesapeake Bay Estuary Program, Annapolis, Maryland. 51 pp.

Knobel, E. 1977. Field Guide to the Grasses, Sedges, and Rushes of the United States. Dover publications, Inc., New York. 83 pp.

Little, E.L. 1980. The Audubon Society Field Guide to North American Trees (Eastern Region). Alfred A. Knopf, New York. 714 pp.

Magee, D.W. 1981. Freshwater Wetlands. University of Massachusetts Press, Amherst. 245 pp.

Mitchell, R.S., and G.C. Tucker. 1997. Revised Checklist of New York State Plants. Contributions to a Flora of New York State IV, R.S. Mitchell (Ed.). Bulletin No. 490, New York State Museum, Albany, New York. 400 pp.

Munsell Color Chart. (Munsell Color 1975).

National Wetland Inventory Maps. U.S. Department of the Interior, Fish and Wildlife Service, National Wetland Inventory, St. Petersburg, Florida.

Niering, W.C., and N.C. Olmstead. 1979. The Audubon Society Field Guide to North American Wildflowers (Eastern Region). Alfred A. Knopf, New York. 887 pp.

New York State Code of Rules and Regulations (NYCRR). 1989. Protected Native Plants. NYCRR Part 193.3, June, 1989. New York State Department of Environmental Conservation.

New York Natural Heritage Program. 2002. New York Rare Plant Status List, February, 1989. S.M. Young, (Ed.), New York State Department of Environmental Conservation and The Nature Conservancy publication. 26 pp.

New York State Department of Environmental Conservation Freshwater Wetlands Maps, NYSDEC, Region 9, Buffalo, New York.

Newcomb, L. 1977. Newcomb's Wildflower Guide. Little, Brown and Co., Boston. 490 pp.

Ogden, E.C. 1981. Field Guide to Northeastern Ferns. Contributions to a Flora of New York State III, R.S. Mitchell (Ed.), Bulletin No. 444, New York State Museum,

- Albany, New York. 122 pp.
- Peattie, D.C. 1991. A Natural History of Trees of Eastern and North America. Houghton Mifflin Co., Boston. 606 pp.
- Peterson, R.T., and M. McKenny. 1968. A Field Guide to Wildflowers of Northeastern and Northcentral North America. Houghton Mifflin Co., Boston. 420 pp.
- Petrides, G.A. 1972. A Field Guide to Trees and Shrubs. Houghton Mifflin Co., Boston. 428 pp.
- Prescott, G.W. 1969. How to Know the Aquatic Plants. Second Edition. William C. Brown Co., Dubuque, Iowa. 171 pp.
- Raynal, D.J., and D. J. Leopold. 1999. Landowner's Guide to State-Protected Plants of Forests in New York State. New York Center for Forestry Research and Development, SUNY-ESF, Syracuse, New York. 92pp.
- Reed, Porter B. Jr. 1988. National List of Plant Species that Occur in Wetlands: Northeast (Region 1). U.S. Fish and Wildlife Service, Washington, D.C. Biol. Rept. 88 (26.1). 112 pp.
- Reschke, C. 2002. Ecological Communities of New York State. New York Natural Heritage Program. NYSDEC, Latham, N.Y. (2nd Ed.) 136 pp.
- Soil Conservation Service. 1975. Soil Taxonomy: A Basic System of Soil Classification for Making and Interpreting Soil Surveys. U.S.D.A., Soil Conservation Service, U.S. Handbook 436.
- Soil Conservation Service. 1978. Soil Survey of Erie County, New York. U.S.D.A., Soil Conservation Service. 384 pp.
- Soil Conservation Service. 1988. New York Hydric Soils and Soils with Hydric Inclusions, revised July, 1988, Soil Conservation Service, Syracuse, New York, Technical Guide, Section II. 23 pp.
- Simonds, R.L., and H.H. Tweedie. 1978. Wildflowers of the Great Lakes Region. Chicago Review Press, Chicago. 96 pp.
- Symonds, G.W.D. 1958. The Tree Identification Book. Quill, New York. 272 pp.
- Symonds, G.W.D. 1963. The Shrub Identification Book. William Morrow & Co., New York. 379 pp.

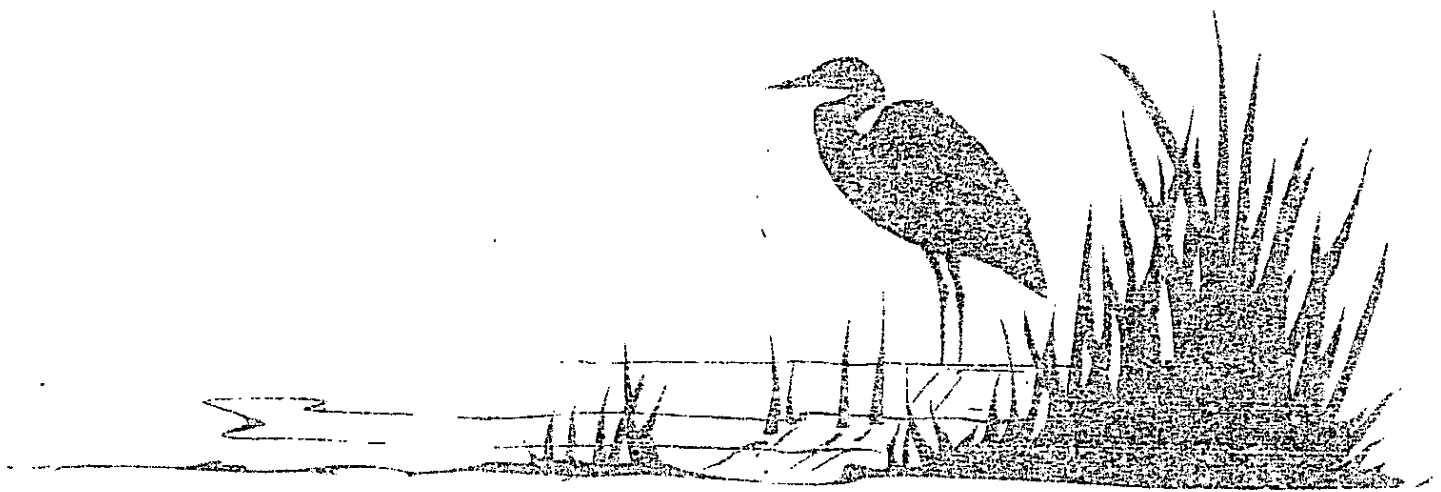
Tiner, R. W. Jr. 1988. A Field Guide to Nontidal Wetland Identification. Maryland Department of Natural Resources and U.S. Fish and Wildlife Service Cooperative Publication. Maryland Department of Natural Resources, Annapolis, Maryland. 283 pp. + 198 color plates.

United States Geological Survey maps, Denver, Colorado.

U.S. Fish and Wildlife Service, A Wetlands and Deepwater Habitats Classification. May 3, 2002, <http://www.nwi.fws.gov/>. June 16, 2002.

Zander, R.H., and G.J. Pierce. 1979. Flora of the Niagara Frontier Region. Bulletin of the Buffalo Society of Natural Sciences, Vol. 16 (Suppl. 2), Buffalo, New York. 110 pp.

Asbury United Methodist Church



ATTACHMENT F

Wetland Investigation Personnel

WETLAND INVESTIGATION PERSONNEL

Soils and Hydrology Sampling

Donald W. Owens, Senior Soil Scientist
Earth Dimensions, Inc.
1091 Jamison Road
Elma, New York 14059
(716) 655-1717

Vegetation Sampling

Jody M. Celeste, Ecologist
Earth Dimensions, Inc.
1091 Jamison Road
Elma, New York 14059
(716) 655-1717

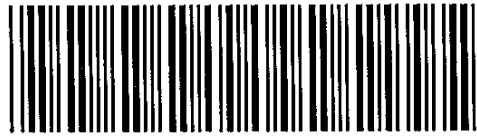
Surveying of Site Locations

Niagara Boundary and Mapping Services
2475 Military Road
Niagara Falls, New York 14304
(716) 297-9584

Report Preparation

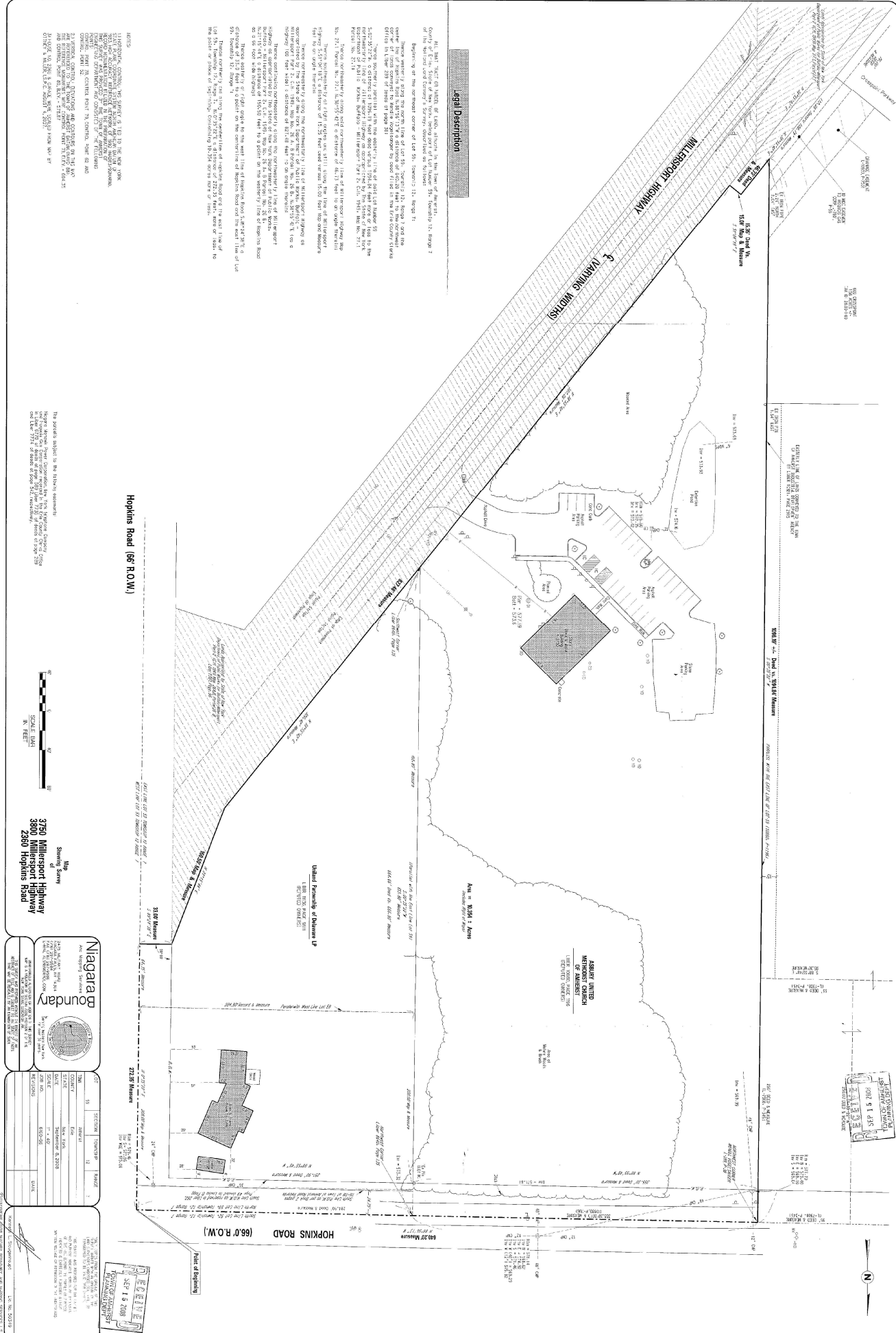
Jody M. Celeste, Ecologist
Travis Morse, Ecologist
Earth Dimensions, Inc.
1091 Jamison Road
Elma, New York 14059
(716) 655-1717

Amherst Planning & Zoning



Z-2008-09

07/2012



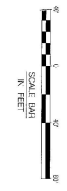
Legal Description

1st 1/4 of Sec. 24, T. 14 N., R. 10 W., Co. 10, State of New York, containing 12.5 acres of land, more or less, as shown on the map of the County of Hamilton, New York, filed in the County Clerk's Office on 10/10/11.

1st 1/4 of Sec. 24, T. 14 N., R. 10 W., Co. 10, State of New York, containing 12.5 acres of land, more or less, as shown on the map of the County of Hamilton, New York, filed in the County Clerk's Office on 10/10/11.

1st 1/4 of Sec. 24, T. 14 N., R. 10 W., Co. 10, State of New York, containing 12.5 acres of land, more or less, as shown on the map of the County of Hamilton, New York, filed in the County Clerk's Office on 10/10/11.

The portion subject to this easement is shown in yellow on the attached map. The easement is for the purpose of providing access to the property shown in yellow on the attached map.



3750 Millersport Highway
3800 Millersport Highway
2860 Hopkins Road

NO.	SECTION	TOWNSHIP	RANGE
1	51	14	10
2	51	14	10
3	51	14	10
4	51	14	10
5	51	14	10
6	51	14	10
7	51	14	10
8	51	14	10
9	51	14	10
10	51	14	10
11	51	14	10
12	51	14	10
13	51	14	10
14	51	14	10
15	51	14	10
16	51	14	10
17	51	14	10
18	51	14	10
19	51	14	10
20	51	14	10
21	51	14	10
22	51	14	10
23	51	14	10
24	51	14	10
25	51	14	10
26	51	14	10
27	51	14	10
28	51	14	10
29	51	14	10
30	51	14	10
31	51	14	10
32	51	14	10
33	51	14	10
34	51	14	10
35	51	14	10
36	51	14	10
37	51	14	10
38	51	14	10
39	51	14	10
40	51	14	10
41	51	14	10
42	51	14	10
43	51	14	10
44	51	14	10
45	51	14	10
46	51	14	10
47	51	14	10
48	51	14	10
49	51	14	10
50	51	14	10

2-9-08 2860 Hopkins Rd. & 3750 & 3800 Millersport

