Wetland and Waterbodies Delineation Report

for

1789 DODGE ROAD

Town of Amherst

Erie County, New York

for

Joe Rubino

EARTH DIMENSIONS, INC.

Soils Investigations • Wetland Delineations

December 21, 2020
EDI Project Code: **W20J20a**

REPORT SUMMARIZING
THE RESULTS OF
A WETLAND DELINEATION SURVEY OF

1789 DODGE ROAD

Prepared for Submission to:

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

AND

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
270 MICHIGAN AVENUE
BUFFALO, NEW YORK 14203

Prepared By:

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Prepared For:

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REPORT DATE: December 21, 2020

EDI PROJECT CODE: W20J20a

PROJECT INFORMATION

Project Name	1789 Dodge Road
Street Address	1789 Dodge Road
SBL Number	42.00-1-45.2
Town	Clarence Center
County	Erie
State	New York
Latitude/Longitude (NAD83)	43.02971°N, 78.72732°W
Investigation Area	6.71± Acres
USGS 7.5 Minute Topographical Map	Clarence Center Quadrangle
Waterway	tributary to Ransom Creek
Hydrologic Unit Code	04120104
Date of Delineation	November 23, 2020
Consultant	Earth Dimensions, Inc. 1091 Jamison Road Elma, New York 14059
Point of Contact	Scott Livingstone (716) 655-1717 slivingstone@earthdimensions.com
Engineer	NA
Property Owner	Joe Rubino
Authority	Section 404, Article 24
Permit/Letter Being Requested	Jurisdictional Determination

TABLE OF CONTENTS

EXECUTIVE SUMMARY

Joe Rubino has proposed the development of a 6.71± acre parcel located along the east side of Dodge Road in the Town of Amherst, County of Erie, and State of New York. Joe Rubino has retained Earth Dimensions, Inc. (EDI) to complete a wetland delineation report that would allow the U.S. Army Corps of Engineers (USACE) 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 Articles 15 (Protection of Waters) and 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), Natural Resources Conservation Service (NRCS), National Wetland Inventory (NWI), and NYSDEC Freshwater Wetland maps. The USGS, NRCS and NWI maps indicate the potential for wetlands under federal jurisdiction. The NYSDEC map indicates the potential for wetland under state jurisdiction.

EDI applied methodology specified by the Corps of Engineers Wetlands Delineation Manual (January 1987) and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region Version 2.0 (January 2012) to perform a delineation of Federal jurisdictional wetlands within the site. EDI identified one (1) wetland area totaling 0.054± acre within the investigation area. A tributary to Ransom Creek flows along the eastern limits of the investigation area. The identification number of the wetland, its acreage and boundary flags are as follows:

TABLE 1: WETLAND SUMMARY

Wetland Identification #	Geographic Center (NAD83)		Boundary Flag #	Total Acreage On-site	Wetland Type (Cowardin)	Wetland Type (Reschke)	Jurisdictional Determination
	Latitude	Longitude					
Wetland 1	43.02960	78.72558	W1-1 through W1-7	0.054±	R4SBC	Riverine	Jurisdictional
Total Wetland Acreage:				0.054±			

TABLE 2: STREAM & DRAINAGE SUMMARY

Stream Identification #	Waterway	DEC Class	Linear Feet On-site	Highwater Width (Ft)	Flow Regime	Substrate	Classification (Cowardin)	Jurisdictional Determination
Stream 1	UNT to Ransom Creek/ Town of Amherst Ditch 26B	C	436.3 feet	20 to 25	Intermittent	Organic, silt	R4SB6	Jurisdictional

SECTION I: INTRODUCTION

Joe Rubino has proposed the development of a 6.71± acre parcel on the east side of Dodge Road in the Town of Amherst, County of Erie, and State of New York. The project has been given the name 1789 Dodge Road and is located on USGS 7.5 minute quadrangle map indexed as Clarence Center/2002 DeLorme (Figure 1). The field work was completed on November 23, 2020 using a hand held Garmin GPSmap 62s to locate wetland and drainage boundaries.

Howard Hanna has retained Earth Dimensions, Inc. (EDI) to complete a wetland delineation study at this site. The investigation was designed to facilitate a determination of the extent of USACE and NYSDEC jurisdiction over the project area pursuant to Section 404 of the Clean Water Act and Articles 15 (Protection of Waters) and 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) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region version 2.0* (January 2012) (referred to hereafter as the Northcentral and Northeast Regional Supplement). The purpose of this report is to present EDI's methods, results, conclusions and recommendations with respect to the 1789 Dodge Road project site.

SECTION II: SITE DESCRIPTION

The 1789 Dodge Road project area is comprised of a 6.71± acre irregular shaped investigation area on the east side of Dodge Road which is outlined on Figure 1 and depicted on the Wetland Delineation Map included in Appendix A (Figure 6).

The natural topography of the 1789 Dodge Road site is flat to gently sloping. The uplands within the investigation area consisted of successional northern hardwoods and mown lawn communities. The wetland area was found to consist of a shallow emergent marsh community. The vegetative communities of the investigation area are described according to *Ecological Communities of New York State* (Edinger et al. 2014).

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 area. 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 7.5 MINUTE TOPOGRAPHICAL MAP

Figure 1 depicts the 1789 Dodge Road project site on the Clarence Center/2002 DeLorme quadrangle map. The figure depicts the flat to gently sloping topography of the site. A tributary to Ransom Creek is depicted along the eastern limits of the investigation area.

2. USFWS NATIONAL WETLANDS INVENTORY MAP

The National Wetlands Inventory (NWI) map obtained from the USFWS Wetland Mapper http://www.fws.gov/wetlands/Data/Mapper.html displays two (2) streams, R4SBCx and R4SBC within the investigation area. The streams can be decoded as:

[R] Riverine, [4] Intermittent, [SB] Stream Bed, [C] Seasonally flooded, [x] excavated; and

[R] Riverine, [4] Intermittent, [SB] Stream Bed, [C] Seasonally flooded

3. NATURAL RESOURCES CONSERVATION SERVICE SOILS MAP

Figure 3 presents the project area outlined on a copy of the Erie County Soil Survey map from the National Cooperative Soil Survey. As shown on that figure, the site has the following soil types:

Soil Conservation Service Legend

Map Unit Symbol	Map Unit Name	Hydric Soil/Inclusions?
Ch	Cheektowaga fine sandy loam	Hydric Soil
ElB	Elnora loamy fine sand, 3 to 8 percent slopes	Inclusions Unlikely
Wd	Wayland soils complex, 0 to 3 percent slopes	Hydric Soil

Cheektowaga: The Cheektowaga series consists of very deep, poorly drained and very poorly drained soils formed in sandy deposits overlying clayey lacustrine sediments. They are nearly level soils on lake plains. Permeability is rapid in the surface and sandy subsoil, and slow or very slow in the substratum. Mean annual temperature is 48 degrees F., and mean annual precipitation is 40 inches.
Elnora: The Elnora series consists of very deep, moderately well drained soils formed in sandy glacial lake, eolian, and deltaic sediments. They are primarily on beach ridges and relict longshore bars on lake plains. Permeability is rapid. Slopes range from 0 to 8 percent. The mean annual temperature is 49 degrees F, and mean annual precipitation is 37 inches.
Wayland: The Wayland series consists of very deep, poorly drained and very poorly drained, nearly level soils formed in recent alluvium. These soils are in low areas or slackwater areas on flood plains. Saturated hydraulic conductivity is moderately high or high in the mineral soil. Slope ranges from 0 through 3 percent. Mean annual temperature is about 8 degrees C (46 degrees F) and mean annual precipitation is about 1080 mm (42.5 in).

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. Hydric soil typically forms in places of the landscape where surface water periodically collects for some time and/or where groundwater discharges sufficient to create waterlogged or anaerobic soils. Such anaerobic soils can support the growth and survival of hydrophytic vegetation that is tolerant of such conditions. Wayland and Cheektowaga are hydric soils and therefore may support wetland vegetation. Wetland hydrologic conditions, hydric soils, and hydrophytic vegetation are the three criteria of a wetland.

4. NYSDEC Freshwater Wetlands Map

The NYSDEC Freshwater Wetlands map obtained from the online NYSDEC Environmental Resource Mapper displays state jurisdictional Freshwater Wetland CC-15 within and adjacent to the investigation area pertaining primarily to the Ransom Creek floodplain.

B. RESULTS OF AGENCY INFORMATION REVIEW

The preliminary data review revealed that the Corps may have jurisdiction over wetlands at the project location. The evidence consisted of potential federally regulated wetlands on the NWI map (Figure 2) and hydric soils and soils with possible inclusions depicted within the project area as shown on the NRCS map (Figure 3). The preliminary data review indicated that NYSDEC may have jurisdiction

SECTION IV: FIELD INVESTIGATION PROCEDURES

WETLANDS:

Step 1

EDI applied methodology specified by the 1987 Corps of Engineers Wetlands Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region 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 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 area 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 and/or Section 5 of the Northcentral and Northeast Supplement.

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. The Northcentral and Northeast Supplement defines the growing season as beginning when one of the following indicators of biological activity are evident in a given year: (1) above-ground growth and development of vascular plants and/or (2) soil temperature measured at 12" below ground surface reaches 41°F. The end of the growing season is defined as the point at which deciduous species lose their leaves or the last herbaceous plants cease flowering and their leaves become dry or brown, whichever comes latest.

Step 4

In order to accurately identify the limits of various vegetative communities and extent of wetlands on-site, a routine determination method was used. As depicted in Appendix A and included in Appendix B, two (2) data points were used to characterize the site.

Step 5

The plant community inhabiting each observation point was characterized in accordance with methods specified in the Northcentral and Northeast Regional Supplement. Dominant plant species were identified within four vegetative strata (i.e. herb, sapling/shrub, tree and liana (woody vines) at each sampling point. The Northcentral and Northeast Regional Supplement 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 3.28 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 3.28 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 consist of woody vines greater than 3.28 feet in height.

As outlined in the manual, the quadrant 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 was summarized on the data forms provided in the Northcentral and Northeast Regional Supplement included in this report as Appendix B.

Step 6

Plant data from each observation point were tested against the hydrophytic vegetation criterion specified in the Corps Manual and Northcentral and Northeast Regional Supplement. The Northcentral and Northeast Regional Supplement identifies a four-tiered approach for making a determination of whether or not the hydrophytic vegetation criteria is met for a sample plot. Indicator 1 (Rapid Test for Hydrophytic Vegetation) was first applied to determine if all dominant species across all strata are rated OBL and/or FACW. If Indicator 1 did not meet the hydrophytic vegetation criteria, Indicator 2 was then applied (dominance test); if greater than 50% of all plant species across all strata were rated OBL, FACW, or FAC, the hydrophytic vegetation criteria was considered met. In rare cases, when Indicators 1 and 2 did not meet the hydrophytic vegetation criteria but soils and hydrology criteria were met, Indicators 3 (Prevalence Index) and 4 (Morphological Adaptations) were used to make a final determination. All observation points that met the hydrophytic vegetation criterion were considered potential wetlands. Soils were then 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

At observation points requiring a soil evaluation, soil borings were performed by an EDI Soil Scientist using methods specified in the Northcentral and Northeast Regional Supplement. Soil pits were dug using a tile spade. Testpits were generally dug to a depth of 20 inches below ground surface. Soils were examined for any of the hydric soil indicators, as outlined in the Field Indicators of Hydric Soils in the United States. 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 Appendix B of this report.

Step 9

EDI's Soil Scientist examined hydrologic indicators using methods specified by the Northcentral and Northeast Regional Supplement 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 Appendix 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 W1-7.

STREAMS & DRAINAGES:

The federally regulated Ordinary High Water (OHW) mark of streams within the Project area were delineated utilizing the definitional criteria as presented in Title 33, Code of Federal Regulations, Part 328, and the USACE Regulatory Guidance Letter 05-05 – Guidance on Ordinary

High Water Mark Identification. Each stream is categorized in regard to its flow regime as perennial, intermittent, or ephemeral, as defined by the USACE. The Ordinary High Water (OHW) mark for each stream is surveyed using the handheld Garmin GPSmap 62s. Each stream is assigned a letter designation, and survey points are numbered consecutively. Substrate characteristics and water depth are noted. Streams classified as AA, A, B, C, C(t), C(ts) and D in the State of New York are regulated by NYSDEC under Article 15 Use and Protection of Waters. Streams are given classifications which designate the level of protection afforded to each waterbody. Class AA and A are assigned to sources of drinking water. Class B streams are best suited for swimming and other contact recreation, but not drinking water. Class C streams identify waters that support fishing and non-contact activities. A classification with (t) designated a stream with the potential to support trout populations. A classification of (ts) identifies waters that may support trout spawning. Class D waters are the lowest classification, and are often highly imperiled.

SECTION V: RESULTS AND CONCLUSIONS

Earth Dimensions, Inc. (EDI) has completed a wetland delineation study at the 1789 Dodge Road site located in the Town of Amherst, County of Erie, and State of New York. A field investigation was conducted by a Soil Scientist and a Wetland Ecologist from EDI. The wetland delineation study identified one (1) wetland totaling 0.054 ± acre present within the 1789 Dodge Road site. In addition, a 436.3 foot portion of a tributary to Ransom Creek/ Town of Amherst Ditch 26B, a Class C stream, was identified. No waterbodies were identified within the investigation area.

Figure 5 depicts the vegetative communities as they existed at the time of the investigation. The uplands within the investigation area were comprised of successional northern hardwoods and mown lawn communities. The wetland area was found to consist of a shallow emergent marsh community. The vegetative communities of the investigation area are described according to Ecological Communities of New York State (Edinger et al. 2014).

The successional northern hardwood community was dominated by the following species: box elder (*Acer negundo),* black willow (*Salix nigra),* common red raspberry (*Rubus idaeus),* multiflora rose (*Rosa multiflora),* dame's rocket (*Hesperis matronalis),* garlic mustard (*Aliaria petiolata),* white snake root (*Ageratina altissima),* orchard grass (*Dactylis glomerata),* enchanter's nightshade (*Circea lutetiana)* and sticky willy (*Galium aparine).*

The mown lawn (with some trees) community was dominated by the following species: red pine (*Pinus resinosa),* quaking aspen (*Populus tremuloides),* Kentucky bluegrass (*Poa pratensis*), pussy willow (*Salix discolor),* common dandelion (*Taraxacum officinale*), heal all (*Prunella vulgaris*), spreading bentgrass (*Agrostis stolonifera),* tall buttercup (*Ranunculus acris),* tatarian honeysuckle (*Lonicera tatarica*), red clover (*Trifolium pratensis),* ground ivy (*Glechoma hederacea)* and orchard grass (*Dactylis glomerata).*

Wetland W1 is a 0.054± acre shallow emergent marsh. No data was collected. It is EDI's professional opinion that Wetland W1/Stream 1 is Federally jurisdictional under the Navigable Waters Protection Rule since it is a perennial stream.

Stream 1 is identified as a Tributary to Ransom Creek/ Town of Amherst Ditch 26B and flows north along the eastern limits of the site and ultimately empties into Ransom Creek. This intermittent channel is identified as a Class C stream by NYSDEC standards. The substrate consists of silt and gravel, with emergent vegetation along the banks. Within the project area, stream 1 is approximately 20-25 feet wide (30 feet at top of bank) with an average water depth of 6-24 inches.

A map which depicts the site boundaries and the location of all observation points established during the field survey is included as Figure 6 in Appendix A of this report. Data forms are included as Appendix B. Appendix C includes representative photographs of the project area. Appendix D notes the references used during the preparation of this report and during the field investigation. Appendix E provides the names, addresses and phone numbers of the survey personnel involved in the wetland delineation study.

SECTION VI: RECOMMENDATIONS

One (1) wetland area and one (1) stream were identified during the course of a field investigation based upon the three parameter technique (vegetation, soils, and hydrology) outlined in the Corps Manual and Northcentral and Northeast Regional Supplement. It is EDI's professional opinion that wetland W1 is regulated by the USACE under Section 404 of the Clean Water Act. It is also EDI's opinion that wetland W1 is part of Freshwater Wetland CC-15 and would be regulated by NYSDEC under Article 24 of the New York Conservation Law. Stream 1 is regulated under both Section 404 and Article 15. USACE and NYSDEC approach their regulatory analyses by first considering avoidance of wetlands and minimization of wetland losses. EDI recommends the following:

(1) Submit this report to USACE and NYSDEC with a request for a wetland boundary confirmation and jurisdictional determination.

(2) If no impacts are proposed to federal or state regulated wetlands, state regulated 100-foot adjacent area or streams based on the outcome of the jurisdictional determination, it is the professional opinion of EDI that the project may proceed without the need for Section 404, Article 15 or Article 24 Permits.

(3) If any NYSDEC regulated upland adjacent area or federal or state jurisdictional wetland impacts are proposed, it is EDI's recommendation that a Joint Application for Permit and supporting documentation be submitted to the USACE and NYSDEC with a request for a Section 404 Permit, Section 401 Water Quality Certification, Article 15 Permit and/or an Article 24 Permit.

1789 DODGE ROAD

APPENDIX A - FIGURES

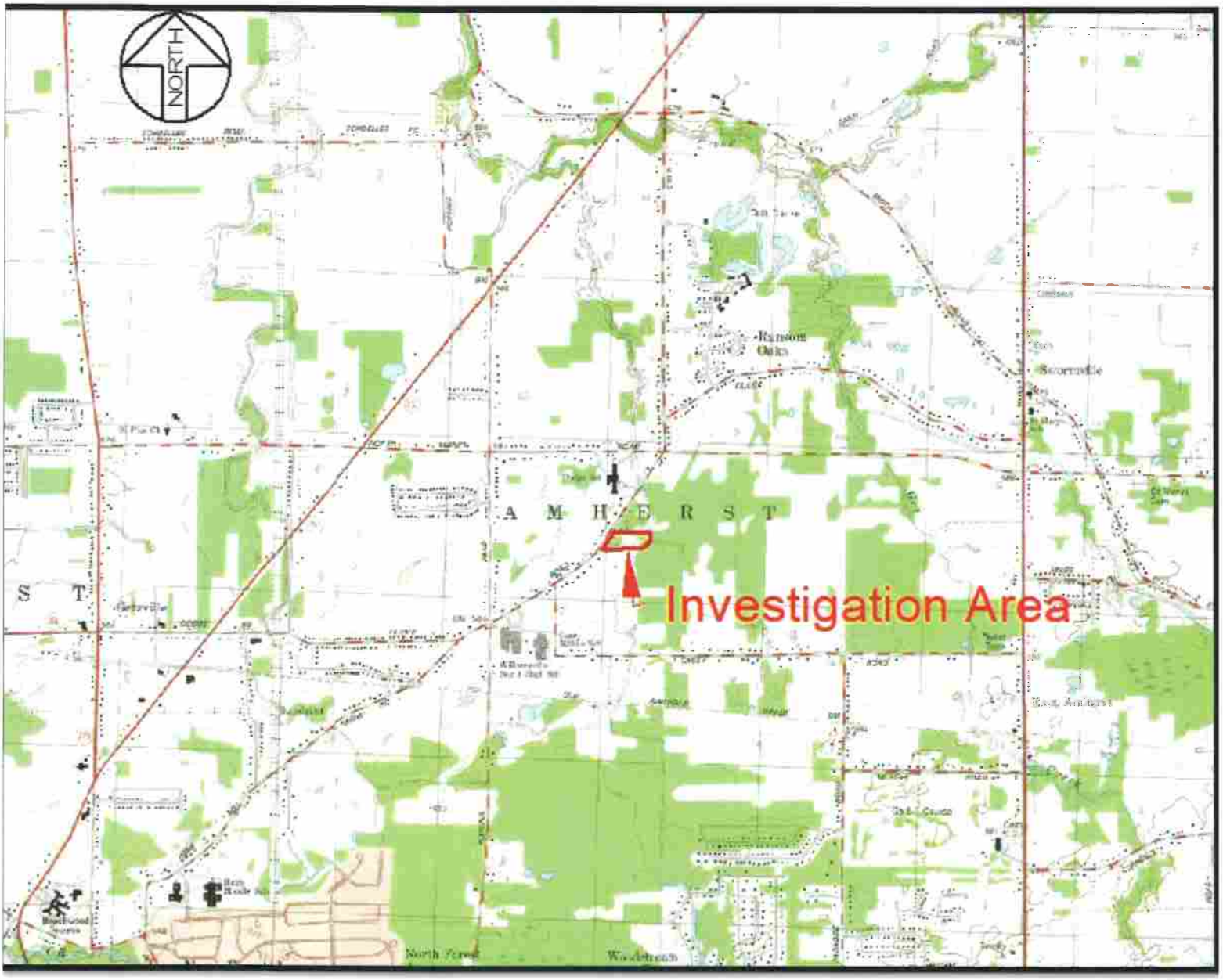

FIGURE 1: USGS 7.5 MINUTE TOPOGRAPHICAL MAP

Clarence Center Quadrangle / 2002 DeLorme

1789 Dodge Road

Town of Amherst, Erie County, New York

FIGURE 2: NATIONAL WETLANDS INVENTORY MAP

http://www.fws.gov/wetlands/data/mapper.HTML (Visited 12/21/20)

1789 Dodge Road

Town of Amherst, Erie County, New York

FIGURE 3: NRCS ERIE COUNTY SOIL SURVEY MAP

http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx (Visited 12/21/20)

1789 Dodge Road

Town of Amherst, Erie County, New York

FIGURE 4: NYSDEC ENVIRONMENTAL RESOURCE MAPPER

http://www.dec.ny.gov/imsmaps/ERM/viewer.htm (Visited 12/21/20)

1789 Dodge Road

Town of Amherst, Erie County, New York

Figure 5: General Vegetation Map
1789 Dodge Road
Town of Amherst Erie County, New York

LEGEND

- Wetland Area
- Stream
- D1 Data Point Location
- Investigation Area

Scale: as shown
Map Date: December 21, 2020 JMC/EDI Revised:
Base Map Provided By: GPS Mapping
File Name: VEG MAP.DWG
EDI Project Code: W20J20a

EARTH DIMENSIONS, INC.

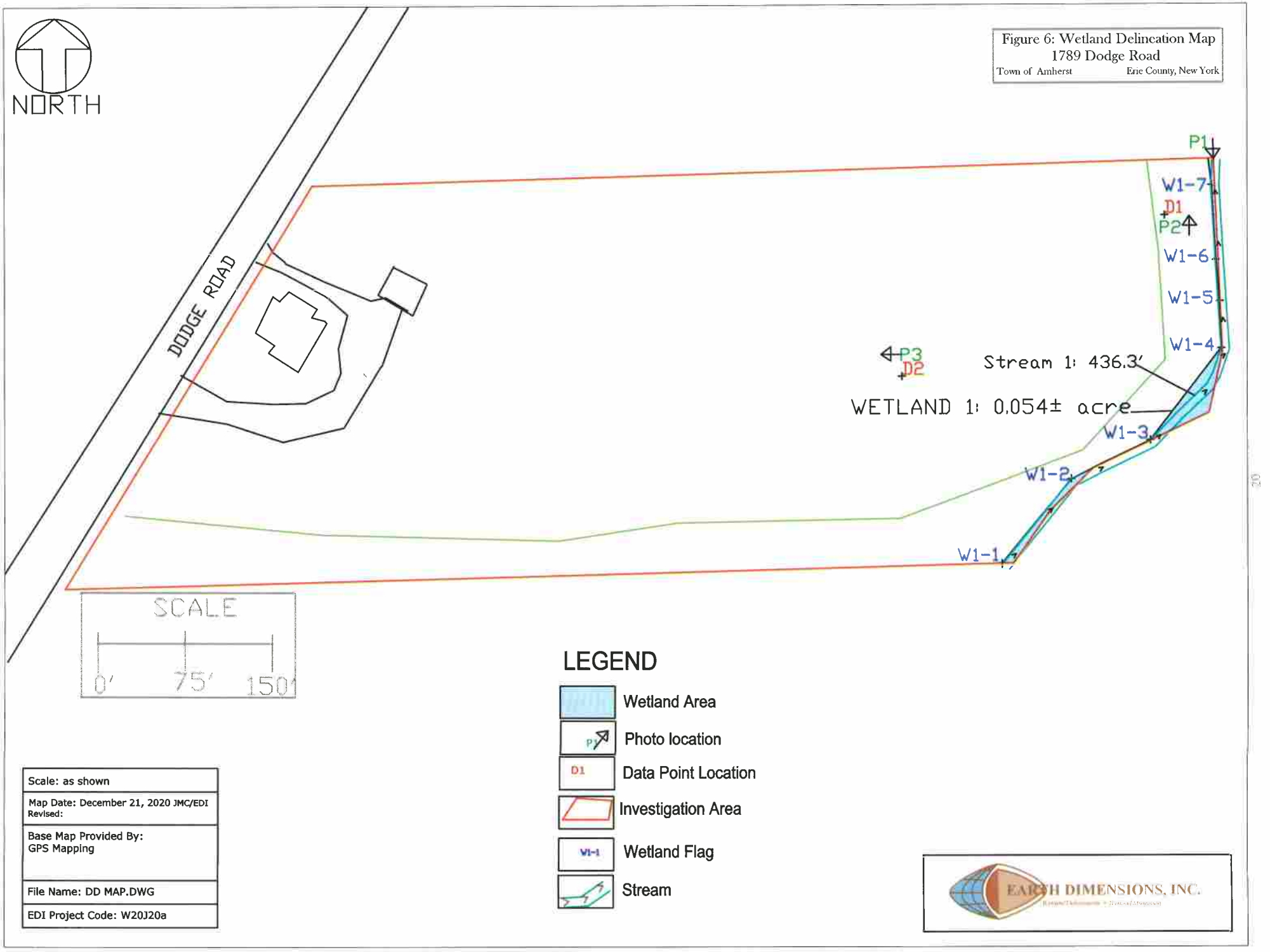

Figure 6: Wetland Delineation Map
1789 Dodge Road
Town of Amherst Erie County, New York

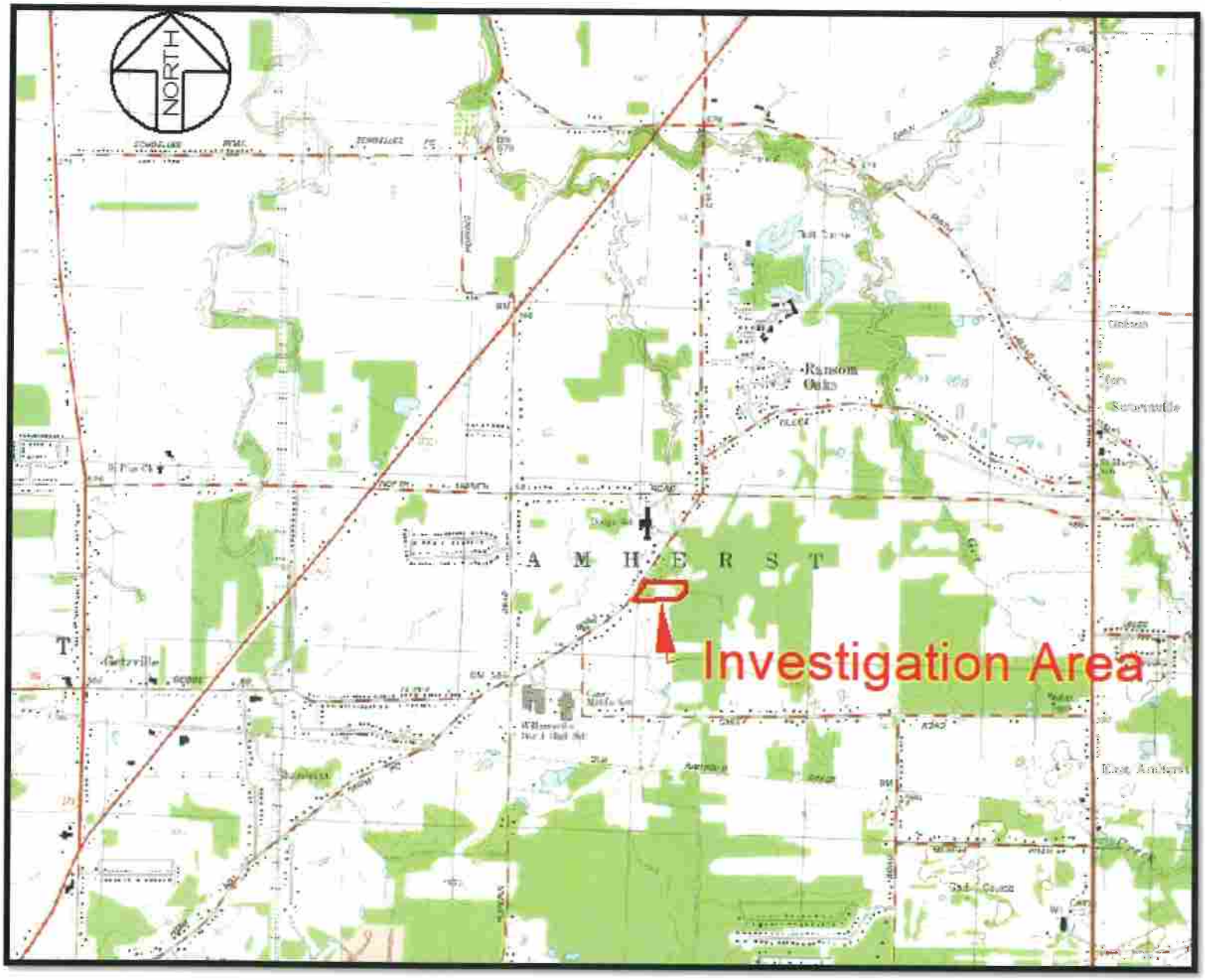

FIGURE 7: DRAINAGE MAP

Clarence Center Quadrangle / 2002 DeLorme

1789 Dodge Road

Town of Amherst, Erie County, New York

FIGURE 8: SITE AERIAL PHOTOGRAPH

http://gis2.erie.gov/HTML5/ErieCountyNY/PublicLaunchPage.aspx (Visited 12/21/2020)

1789 Dodge Road

Town of Amherst, Erie County, New York

1789 Dodge Road

Appendix B – Data Sheets

Project Code: W20J20a

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: 1789 Dodge Road Town/County: Amherst/Erie County Sampling Date: November 23, 2020

Applicant/Owner: Joe Rubino State: New York Sampling Point: D1

Investigator(s): Scott Livingstone & Jody Celeste Section, Township, Range: 42.00-1-45.2

Landform (hillslope, terrace, etc.): TERRACE Local relief (concave, convex, none): CONVEX Slope (%): 3

Subregion (LRR or MLRA) LRRL Lat: 43.02999 Long: 78.72573 Datum: NAD83

Soil Map Unit Name: WAYLAND SOILS COMPLEX, 0-3% NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS : Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No _____	**Is the Sampled Area within a Wetland?**	Yes _____ No X
Hydric Soil Present?	Yes _____ No _____		
Wetland Hydrology Present?	Yes _____ No _____	If yes, optional Wetland Site ID:	N/A

Remarks: (Explain alternative procedures here or in a separate report.)

UPLAND SUCCESSIONAL WOODS

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes _____	No X	Depth (inches): N/A
Water Table Present?	Yes _____	No X	Depth (inches): N/A
Saturation Present? (includes capillary fringe)	Yes _____	No X	Depth (inches): N/A

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Project Code: W20J20a

VEGETATION : Use scientific names of plants.

Sampling Point: D1

Tree Stratum (Plot size: 30')	Absolute % Cover	Dominant Species?	Indicator Status
1. Salix nigra	10	Y	FACW
2. Acer negundo	5	Y	FAC
3.			
4.			
5.			
6.			
7.			
	15	= Total Cover	

Sapling/Shrub Stratum (Plot size: 15')			
1. Rubus idaeus	10	Y	FACW
2. Rosa multiflora	5	Y	↓
3.			
4.			
5.			
6.			
7.			
	15	= Total Cover	

Herb Stratum (Plot size: 5')			
1. Hesperis matronalis	45	Y	FACU
2. Alliaria petiolata	35	Y	FACU
3. Galium aparine	5	N	FACU
4. Circaea lutetiana	5	N	NI
5. Dactylis glomerata	5	N	FACU
6. Ageratina altissima	5	N	NI
7.			
8.			
9.			
10.			
11.			
12.			
	100	= Total Cover	

Woody Vine Stratum (Plot size: 30')			
1. NA			
2.			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	10	x 2 =	20
FAC species	5	x 3 =	15
FACU species	105	x 4 =	420
UPL species	0	x 5 =	0
Column Totals:	120 (A)		455 (B)

Prevalence Index = B/A = 3.79

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is < 3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Community Type: SUCCESSIONAL NORTHERN HARDWOODS

Hydrophytic Vegetation Present? Yes ___ No X

Remarks: (Include photo numbers here or on a separate sheet.)

Photo # 2 Direction of Photo NORTH

MANY DEAD ASH

Project Code: W20J20a

SOIL Sampling Point: D1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16	10YR 4/2	100					S;l	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) (**LRR R, MLRA 149B**)
- ___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
- ___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**)
- ___ Loamy Mucky Mineral (F1) (**LRR K, L**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L, M**)
- ___ Polyvalue Below Surface (S8) (**LRR K, L**)
- ___ Thin Dark Surface (S9) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
- ___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and **wetland** hydrology must be present, unless **disturbed** or problematic.

Restrictive Layer (if observed):

Type: NONE

Depth (inches): N/A

Hydric Soil Present? Yes ____ No X

Remarks:

Project Code: W20J20a

WETLAND DETERMINATION DATA FORM - Northcentral and Northeast Region

Project/Site: 1789 Dodge Road Town/County: Amherst/Erie County Sampling Date: November 23. 2020

Applicant/Owner: Joe Rubino State: New York Sampling Point: NZ

Investigator(s): Scott Livingstone & Jody Celeste Section, Township, Range: 42.00-1-45.2

Landform (hillslope, terrace, etc.): LAKE Plain Local relief (concave, convex, none): CONVEX Slope (%): 2

Subregion (LRR or MLRA) LRRL Lat: 43.02962 Long: 78.72659 Datum: NAD83

Soil Map Unit Name: CHEEKTOWAGA FINE SANDY LOAM NW I classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS : Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No X	**Is the Sampled Area within a Wetland?** Yes _____ No X
Hydric Soil Present?	Yes _____	No X	
Wetland Hydrology Present?	Yes _____	No X	If yes, optional Wetland Site ID: N/A

Remarks: (Explain alternative procedures here or in a separate report.)

UPLAND LAWN WITH TREES

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required: check all that apply)

- __ Surface Water (A1)
- __ High Water Table (A2)
- __ Saturation (A3)
- __ Water Marks (B1)
- __ Sediment Deposits (B2)
- __ Drift Deposits (B3)
- __ Algal Mat or Crust (B4)
- __ Iron Deposits (B5)
- __ Inundation Visible on Aerial Imagery (B7)
- __ Sparsely Vegetated Concave Surface (B8)
- __ Water-Stained Leaves (B9)
- __ Aquatic Fauna (B13)
- __ Marl Deposits (B15)
- __ Hydrogen Sulfide Odor (C1)
- __ Oxidized Rhizospheres on Living Roots (C3)
- __ Presence of Reduced Iron (C4)
- __ Recent Iron Reduction in Tilled Soils (C6)
- __ Thin Muck Surface (C7)
- __ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- __ Surface Soil Cracks (B6)
- __ Drainage Patterns (B10)
- __ Moss Trim Lines (B16)
- __ Dry-Season W ater Table (C2)
- __ Crayfish Burrows (C8)
- __ Saturation Visible on Aerial Imagery (C9)
- __ Stunted or Stressed Plants (D1)
- __ Geomorphic Position (D2)
- __ Shallow Aquitard (D3)
- __ Microtopographic Relief (D4)
- __ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes _____	No X	Depth (inches): N/A
Water Table Present?	Yes _____	No X	Depth (inches): N/A
Saturation Present? (includes capillary fringe)	Yes _____	No X	Depth (inches): N/A

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Project Code: W20J20a

VEGETATION : Use scientific names of plants.

Sampling Point: D2

Tree Stratum (Plot size: 30')	Absolute % Cover	Dominant Species?	Indicator Status
1. Pinus resinosa	20	Y	FACU
2. Populus tremuloides	5	Y	↓
3.			
4.			
5.			
6.			
7.			
	25	= Total Cover	

Sapling/Shrub Stratum (Plot size: 15')			
1. Lonicera tatarica	10	Y	FACU
2. Salix discolor	5	Y	FACW
3.			
4.			
5.			
6.			
7.			
	15	= Total Cover	

Herb Stratum (Plot size: 5')			
1. Prunella vulgaris	15	Y	FACU
2. Agrostis stolonifera	15	Y	FACW
3. Poa pratensis	45	Y	FACU
4. Ranunculus acris	5	N	FAC
5. Trifolium pratense	5	N	FACU
6. Taraxacum officinale	5	N	↓
7. Glechoma hederacea	5	N	
8. Dactylis glomerata	5	N	
9.			
10.			
11.			
12.			
	100	= Total Cover	

Woody Vine Stratum (Plot size: 30')			
1. NA			
2. ↓			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 7 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 29 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	20	x 2 =	40
FAC species	5	x 3 =	15
FACU species	115	x 4 =	460
UPL species	0	x 5 =	0
Column Totals:	140 (A)		515 (B)

Prevalence Index = B/A = 3.67

Hydrophytic Vegetation Indicators:

__ 1 - Rapid Test for Hydrophytic Vegetation

__ 2 - Dominance Test is >50%

__ 3 - Prevalence Index is < 3.0[1]

__ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

__ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

MOWN LAWN

Community Type: _____

Hydrophytic Vegetation Present? Yes ____ No X

Remarks: (Include photo numbers here or on a separate sheet.)

Photo # 3 Direction of Photo NORTH

MANY DEAD ASH NEAR BY

Project Code: W20J20a

SOIL

Sampling Point: D2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-7	10YR4/3	100					L	
7-16	10YR5/6	100					FSL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7) (**LRR R, MLRA 149B**)
- ___ Polyvalue Below Surface (S8) (**LRR R, MLRA 149B**)
- ___ Thin Dark Surface (S9) (**LRR R, MLRA 149B**)
- ___ Loamy Mucky Mineral (F1) (**LRR K, L**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) (**LRR K, L, MLRA 149B**)
- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ 5 cm Mucky Peat or Peat (S3) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L, M**)
- ___ Polyvalue Below Surface (S8) (**LRR K, L**)
- ___ Thin Dark Surface (S9) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Piedmont Floodplain Soils (F19) (**MLRA 149B**)
- ___ Mesic Spodic (TA6) (**MLRA 144A, 145, 149B**)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3] Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: NONE

Depth (inches): N/A

Hydric Soil Present? Yes _____ No X

Remarks:

1789 Dodge Road

Appendix C - Site Photographs

Photo 1: Facing south. Depicts wetland W1/Stream W1 from the northeastern corner of the investigation area.

Photo 2: Facing north from data point D1. Depicts the successional northern hardwood community of data point D1.

Photo 3: Facing west from data point D2. Depicts the mown lawn community of data point D2.

1789 Dodge Road

Appendix D - References

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1789 Dodge Road

Appendix E - Wetland Investigation Personnel

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