



December 4, 2018

Mr. Steve Trader, PG, CPG
Alpha Geoscience
679 Plank Road
Clifton Park, New York 12065

**Re: Wetland Evaluation
Eagle Harbor Sand & Gravel, Inc.
Eagle Harbor Road, Orleans County, New York**

Dear Mr. Trader:

On May 19, 2018, North Country Ecological Services, Inc. (NCES) reviewed the southern portion of the above-referenced property for the presence of U.S. Army Corps of Engineers (USACE) and NYS Dept. of Environmental Conservation (DEC) regulated wetlands. Wetlands were identified and delineated in accordance with the *1987, USACE Wetland Delineation Manual* that requires that for an area to be classified as federal wetland, it must contain a dominance of hydrophytic vegetation, have hydric soils, and show indications of prolonged seasonal hydrology. The specific area for the delineation was identified by your office.

During the delineation, a total of five (5) areas were delineated. These areas are shown on the attached graphic from Alpha Geoscience that also shows the extent of the limits of the wetland review. Areas 1, 3, 4, and 5 are vegetated wetlands and are shown in yellow. Area 2 is the southern portion of a man-made pond that has wetland vegetation along its shallow edge. According to the USACE's newly implemented 2015 Clean Water Rule (CWR), all of the areas that were delineated would be considered jurisdictional by the USACE. These areas would be classified as "(a)(6) waters of the United States" since they are "adjacent to similar waters". Similar waters would include the wetlands and streams on the subject property as well as the neighboring properties. In addition, the wetlands on-site are within 4,000 feet of a tributary of Otter Creek. Wetlands within 4,000 feet of a tributary are classified as an "(a)(8) waters of the United States". The attached graphic from the NYS DEC's Environmental Resource Mapper (ERM) shows the location of wetlands and streams on and within proximity of the property. Otter Creek tributaries are located 1,300± feet to the east of the property.

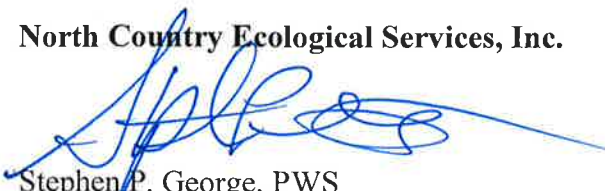
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In summary, the wetlands on the property that were delineated by NCES are regulated and jurisdictional by the USACE through the 2015 CWR and Section 404 of the Clean Water Act. Any impacts to these areas would require a permit through the USACE, and possibly the DEC as a requirement of the USACE permit, depending upon the extent of the impact. Area 5 is the northern edge of a mapped DEC regulated wetland. The area delineated by NCES is more than 500 feet from the mapped portion of this wetland, so it is unlikely that the DEC would extend their jurisdiction completely to the north and onto the Eagle Harbor property. In other DEC Regions, the DEC is not extending their jurisdiction of wetlands more than 500 feet. However, if impacts to this wetland, or within 100 feet of Area 5 are anticipated, NCES recommends obtaining a jurisdictional determination from the DEC on this wetland. The DEC also regulates the 100 foot "Adjacent Area" of buffer zone from the boundary of a DEC wetland.

If you have any questions regarding the delineation or permitting of the wetland impacts, feel free to contact me at anytime.

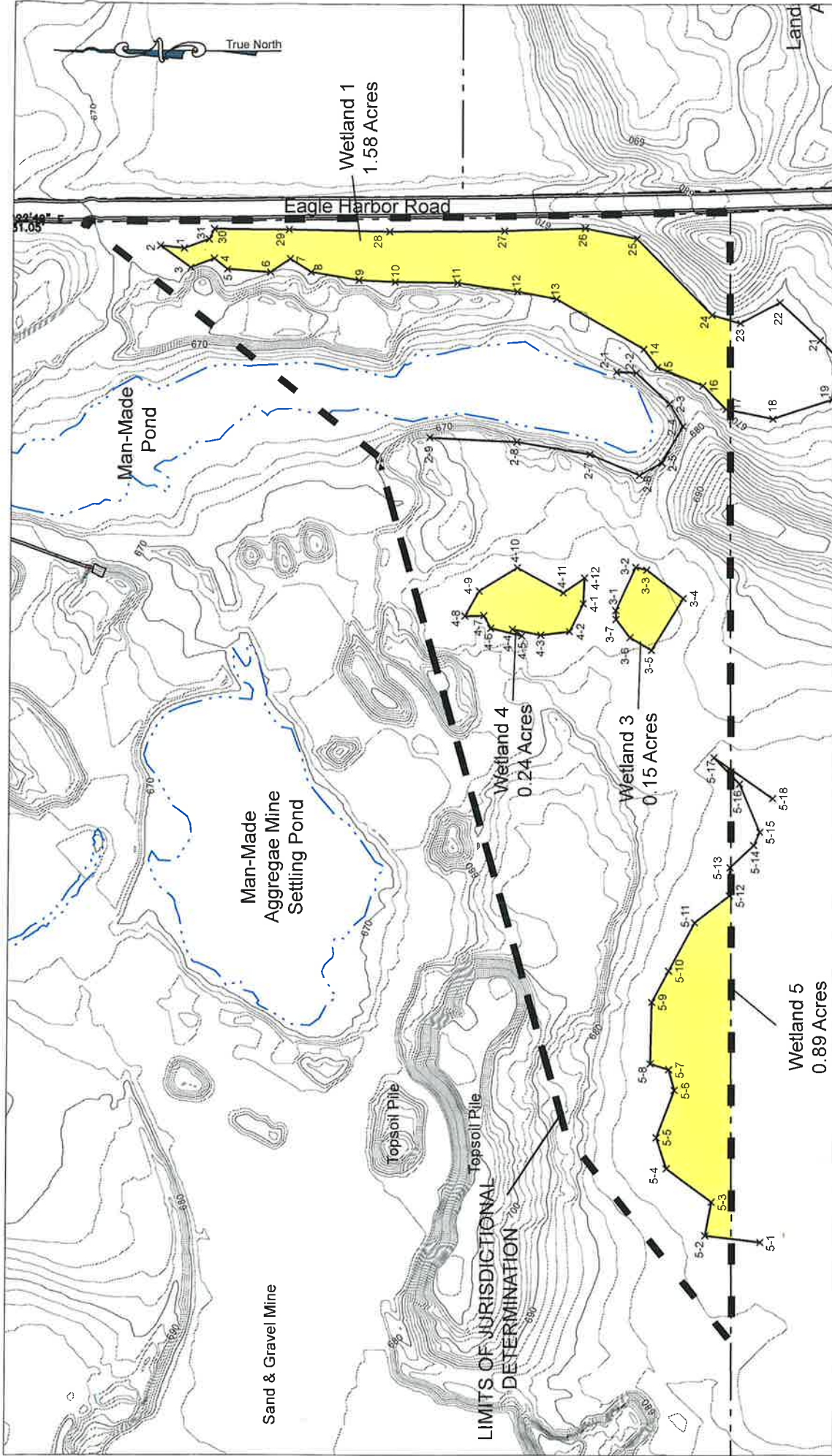
Sincerely,

North Country Ecological Services, Inc.



Stephen P. George, PWS
President

Attachments



WETLAND SUMMARY TABLE

WETLAND AREA 1: 1.58 Acres (on site)	Wetland Areas
AREA 2: Man Made Wash Water Pond	2.86 Acres
WETLAND AREA 3: 0.15 Acres	43.177159°, -78.256146°
WETLANDS AREA 4: 0.24 ACRES	
WETLANDS AREA 5: 0.89 ACRES (on site)	

Applicant:
Eagle Harbor Sand & Gravel, Inc.
10830 Blair Road
Medina, NY 14103
585-798-4501

Owner:
Richard Bennett
Pine Hill Road
Albion, NY 14411

Legend

PROPERTY LINE

CONTOUR LINE

PROJECT AREA (14.6 acres)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



Environmental Resource Mapper

Base Map: ▼ [Using this map](#)



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Tools

Layers and Legend

Other Wetland Layers

National Wetlands Inventory

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland

Reference Layers

Tell Me More...

Need A Permit?

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