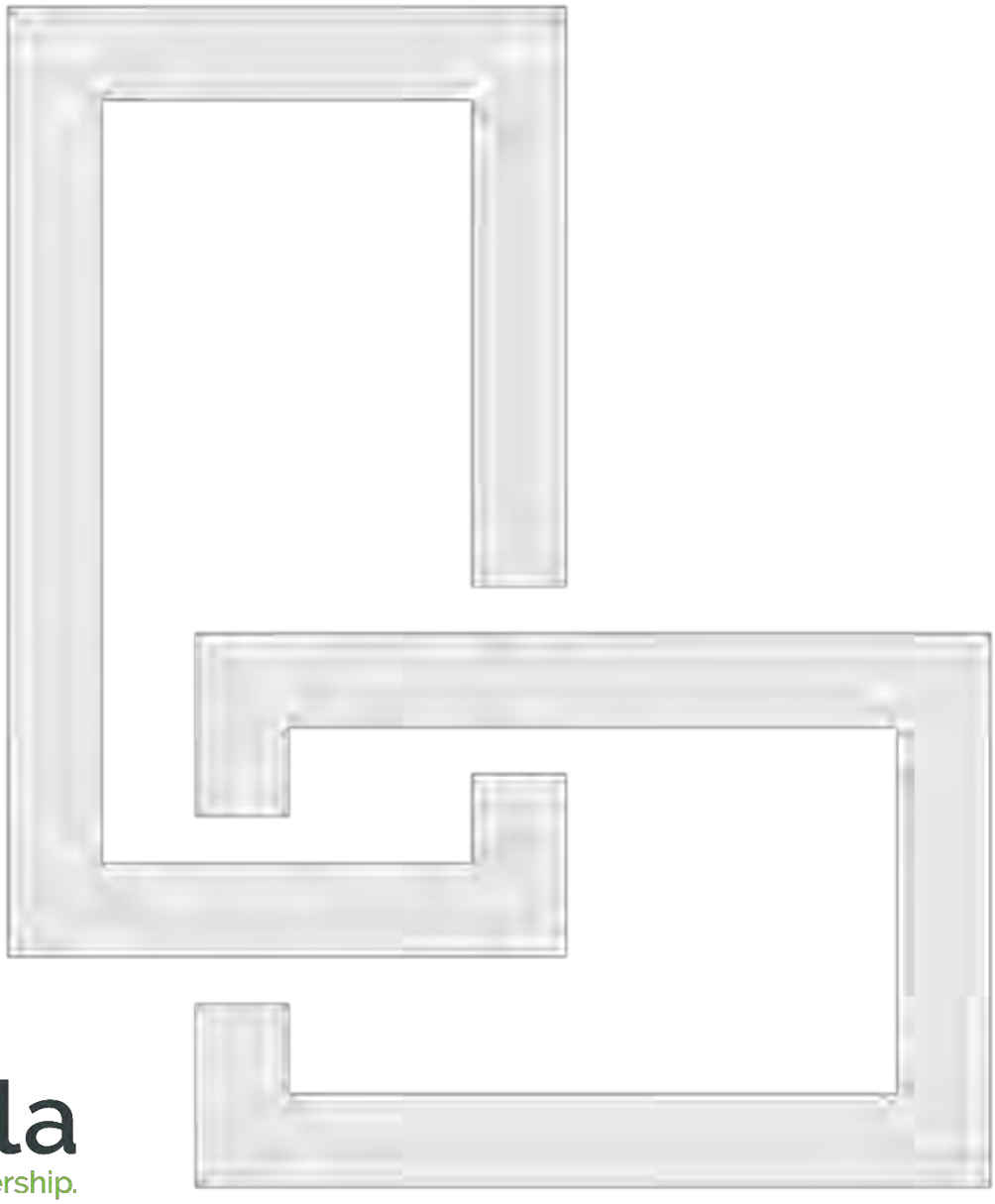
Prepared For:
Anthony Cammarata
Town of Kendall
1873 Kendall Road
Kendall, NY 14476

Submitted by:
LaBella Associates
300 State Street
Suite 201
Rochester, NY 14614
(585) 454-6110



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Kendall REDI Wastewater Infrastructure Project

Town of Kendall and Town of Hamlin

No Permit Required Request, Preliminary Jurisdictional Determination, Freshwater Wetlands Determination

October 2023
Project no. 2200455

LaBella
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October 24, 2023

Mr. Thomas Haley
NYS DEC Region 8
Regional Permit Administrator
6274 East Avon – Lima Road
Avon, NY 14414-9519

Re: No Permit Required Request
Town of Kendall
Kendall REDI Wastewater Infrastructure Project
Town of Kendall and Hamlin, Orleans and Monroe County, NY
LaBella Project No. 2200455

Dear Mr. Haley:

On behalf of the Town of Kendall, we are submitting the attached Joint Permit Application for your review and approval for the proposed installation of a wastewater infrastructure project; a sanitary sewer installation through the Town of Kendall to Hamlin. This infrastructure will replace shoreline septic systems with public sanitary sewer. Based on the practices of horizontal directional drilling (HDD) as well as proposed wetland and stream avoidance, no impacts to wetlands or streams are anticipated.

We are requesting jurisdictional determinations from the United States Army Corps of Engineers and New York State Department of Environmental Conservation as well as letters of no permit required.

Should you have any questions or require additional information to act on this matter, please do not hesitate to contact me at (716) 867-1810.

Very truly yours,
LABELLA ASSOCIATES, D.P.C.

Dustin Bradley

Dustin Bradley
Wetland & Ecology Specialist

CC: NYS Department of State

NYS Office of General Services

United States Army Corps of Engineers

TABLE OF CONTENTS

EXHIBIT 1

PROJECT NARRATIVE

Project Purpose/Description

The Kendall Resiliency and Economic Development Initiative (REDI) Wastewater Infrastructure Project (Project) is located within the Town of Kendall and Town of Hamlin. The purpose of the Project is to replace inadequate or failing septic systems with a state-of-the-art sanitary sewer system to improve water quality and to address public health concerns. Inadequate or failing private wastewater systems have resulted in untreated or partially treated sewage reaching the ground surface, and groundwater or surface water bodies, including Lake Ontario. Specific to this permit application, the Project will require the installation of approximately 15 miles of force main via horizontal directional drilling (HDD), 3,431 feet of gravity sewer via open trenching, and approximately 5 miles of sewer laterals to private residences via open trenching.

The Project Area is comprised of easements along existing residential roadways and properties. Please refer to the proposed project plans in **Exhibit 2**. The estimated start date for this project will be March of 2024.

Project Resources

There are several mapped New York State Department of Environmental Conservation (NYSDEC) streams on-Site, and well as mapped National Wetland Inventory (NWI) wetlands and streams (refer to Figures 2 and 3 in **Exhibit 3**). A Federal Emergency Management Agency (FEMA) 100-year flood zone associated with Sandy Creek is located within the Project Area, crossing Lake Road West Fork (refer to Figure 4 in **Exhibit 3**).

A wetland and stream delineation was performed by LaBella Associates from June 1st to June 12th, 2023. Based on LaBella's wetland and stream delineation, the Project Area (Study Area) consists of eight palustrine emergent (PEM), one palustrine forested (PFO), and four palustrine scrub-shrub (PSS) wetlands, as well as four perennial, 17 intermittent, four ephemeral, and one mixed ephemeral/intermittent stream. In addition, one intermittent and three ephemeral ditches, as well as two drainage swales were delineated. Refer to Tables 1 and 2 below and Figures 5 and 6 in **Exhibit 3**, and a copy of the Wetland and Stream Delineation Report in **Exhibit 7** for more information. It is assumed that all features on the Site are regulated by NYSDEC and/or United States Army Corps of Engineers (USACE). A preliminary jurisdictional request and a Freshwater Wetlands Determination request will be submitted along with this permit application.

Table 1. Project Wetlands

Wetland ID	Cowardin Classification	Acreage On-site	Latitude, Longitude (NAD83)	Jurisdiction *
Wetland 1	PEM	0.001	43.371291, -78.073634	USACE
Wetland 3	PSS	0.14	43.369439, -78.063641	
Wetland 4	PEM	0.002	43.369303, -78.056121	

Wetland ID	Cowardin Classification	Acreage On-site	Latitude, Longitude (NAD83)	Jurisdiction *
Wetland 5	PSS	0.04	43.369469, -78.047388	
Wetland 6	PEM	0.01	43.36435, -78.028135	
Wetland 7	PSS	0.07	43.366102, -78.022604	
Wetland 8	PFO	0.01	43.367636, -78.009807	
Wetland 9	PSS	0.15	43.367505, -78.006061	
Wetland 10	PEM	0.003	43.363977, -77.99348	
Wetland 11	PEM	0.51	43.362386, -77.995238	
Wetland 12	PEM	0.03	43.34002, -77.927976	USACE
Wetland 13	PEM	0.004	43.323513, -77.927739	USACE
Wetland 14	PEM	0.01	43.318839, -77.926608	USACE

Table 2. Project Streams

Stream ID	Flow Regime/Stream Order	NYSDEC Class	Stream Length/Width in Study Area (lf)	Stream Bed Substrate	Latitude, Longitude (NAD83)	Jurisdiction *
Stream 1	Intermittent	C	50/3-5	Cobble	43.374858, -78.108752	USACE
Stream 2	Intermittent	Unclassified	20/5	Silt	43.37489, -78.100562	USACE
Stream 3	Intermittent	C	20/6	Silt	43.374576, -78.097243	USACE
Stream 4	Intermittent	Unclassified	30/8	Gravel & silt	43.373837, -78.09406	USACE
Stream 5	Intermittent	C	5/10	Silt	43.369962, -78.069276	USACE
Stream 7	Intermittent	Unclassified	5/3	Silt	43.369293, -78.059157	USACE
Stream 8	Intermittent	Unclassified	10/4	Silt	43.369282, -78.051692	USACE
Stream 9	Intermittent	Unclassified	45/4	Silt	43.369433, -78.049403	USACE

Stream ID	Flow Regime/Stream Order	NYSDEC Class	Stream Length/Width in Study Area (lf)	Stream Bed Substrate	Latitude, Longitude (NAD83)	Jurisdiction *
Stream 10	Ephemeral	Unclassified	15/1	Silt	43.369608, -78.047573	USACE
Stream 11	Intermittent	Unclassified	30/4	Silt	43.369806, -78.038728	USACE
	Ephemeral	Unclassified	15/2	Silt	43.369875, -78.041169	USACE
Stream 12	Perennial	C	50/12	Silt	43.367193, -78.034081	USACE
Stream 13	Intermittent	C	55/12	Silt	43.364589, -77.996871	USACE
Stream 14	Ephemeral	Unclassified	35/2	Silt	43.350371, -77.99031	USACE
Stream 15	Intermittent	B	50/6	Silt	43.35042, -77.962829	NYSDEC/ USACE
Stream 16	Intermittent	B	0.25/3	Silt	43.3505, -77.956792	NYSDEC/ USACE
Stream 17	Ephemeral	Unclassified	70/3	Silt	43.3505, -77.949355	USACE
Stream 18	Perennial	B	50/15	Silt	43.350471, -77.946286	NYSDEC/ USACE
Stream 19	Intermittent	B	50/3	Silt	43.350456, -77.936862	NYSDEC/ USACE
Stream 20	Intermittent	B	55/4	Silt	43.350438, -77.93325	NYSDEC/ USACE
Stream 21	Intermittent	Unclassified	185/2	Silt	43.349964, -77.927813	USACE
Stream 22	Ephemeral	Unclassified	140/2	Silt	43.343081, -77.927778	USACE
Stream 23	Perennial	C	125/30	Silt	43.335167, -77.927984	USACE
Stream 24	Intermittent	C	65/4	Silt	43.324174, -77.927727	USACE
Stream 25	Intermittent	C	50/4	Silt	43.315603, -77.92486	USACE
Stream 26	Intermittent	Unclassified	50/3	Silt	43.307619, -77.921511	USACE

Stream ID	Flow Regime/Stream Order	NYSDEC Class	Stream Length/Width in Study Area (lf)	Stream Bed Substrate	Latitude, Longitude (NAD83)	Jurisdiction *
Stream 27	Perennial	C	50/30	Silt	43.36444, -78.029795	NYSDEC/ USACE
Ditch 1	Intermittent	Unclassified	15/3	Cobble, rip rap	43.364617, -78.030554	USACE
Ditch 2	Ephemeral	Unclassified	715/1	Silt	43.365877, -78.027618	USACE
Ditch 3	Ephemeral	Unclassified	215/1	Silt	43.324127, -77.927727	USACE
Ditch 4	Ephemeral	Unclassified	390/1	Silt	43.324061, -77.927957	USACE
Swale 2	--	Unclassified	1,075/2	Silt	43.369332, -78.05183	USACE
Swale 3	--	Unclassified	75/3	Silt	43.369505, -78.049213	USACE

* USACE Preliminary Jurisdictional Determination requested for all wetland and stream features.

Project Impacts

Based on the proposed avoidance and minimization practices described below, no impacts to wetlands or streams are anticipated.

Avoidance and Minimization

The Project will avoid and minimize impacts to wetlands and streams located within the Project Area to the best extent practicable. Approximately 15 miles of the force main will be installed via HDD.HDD bore pits will be positioned outside of wetlands and stream boundaries. Directional drilling will take place at least 6 feet below stream beds and underneath culverts. A frac-out plan has been included in **Exhibit 9.** Equipment will not operate or be stored within wetlands or streams, and this will be noted on engineering plans.

Installation of 3,431 feet of gravity sewer PVC between 1291 Moscow Road and the entrance of Hamlin Beach State Park will be open cut within existing roadway (pages 25-27 on Figure 7 in **Exhibit 3**). This section of pipe crosses over two streams (Intermittent, Class B Stream 16 and ephemeral Stream 17). HDD methods will be used to drill underneath both streams to avoid impacts.

In addition, approximately 5 miles of sewer laterals to private residences will be installed via open trenching. There will also be three new pump stations installed for the Project. No resources will be impacted by the installation of the laterals or new pump stations.

All appropriate Soil and Erosion Control measures and Best Management Practices (BMPs) will be installed and utilized per the Project Stormwater Pollution Prevention Plan (SWPPP) that will be required for the Project.

Protected Species

According to the Official Species List generated by the United State Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) service, the Project is located within the vicinity of the endangered northern long-eared bat (NLEB, *Myotis septentrionalis*). No further consultation is required because the Project does not involve any tree clearing and will therefore not have any impact on NLEB or its habitat. Please see the NLEB determination key in **Exhibit 4** indicating a no effect for the Project Area. The candidate species, monarch butterfly (*Danaus plexippus*), may be present at or around the Project Area, however, no further action is required as a candidate species. It should be noted that USFWS also indicated that no critical habitats for rare, threatened, or endangered species are present within the Project Area. Refer to the USFWS mappers and consultation in **Exhibit 4**

Review of the NYSDEC Environmental Resource Mapper (ERM) indicates that there are state protected significant natural communities within or in the immediate vicinity of the Project Area including Sand Beach, Great Lakes Dunes, and Great Lakes Bluff. Impacts to these significant natural communities are not anticipated as the project takes places along existing right-of-way (ROW). Further, the ERM and the NYSDEC Environmental Assessment Form (EAF) mapper indicates that there are state threatened or rare species in the vicinity of the project area including lake sturgeon (*Acipenser fulvescens*), putty root (*Aplectrum hyemale*), least bittern (*Ixobrychus exilis*), and red-headed woodpecker (*Melanerpes erythrocephalus*). Lake sturgeon is not anticipated to be impacted due to the Project avoidance of streams. Streams will be directionally drilled at least 6 feet below the stream bed. Putty root plant and its habitat was not observed during field studies. Disturbance to putty root is not anticipated since work will be completed underground or in areas previously disturbed, in existing utility ROW or residential lawns. Disturbance to least bittern and red-headed woodpecker is also not anticipated as no impacts to open water features or tree clearing are proposed in addition to the minimized aboveground disturbance.

State Environmental Quality Review Act (SEQRA)

A signed SEQRA Full EAF is attached (refer to **Exhibit 5**). A SEQR determination will be provided once available.

State Historic/Archeological Determination

The Project was submitted to New York State's Historic Preservation Office (SHPO) in January 2021 and SHPO requested Phase 1A and Phase 1B archeological surveys. The surveys have been completed and a letter from SHPO is pending. The letter will be provided upon receipt. The original SHPO submission letter and request for surveys has been included in **Exhibit 6**.

Coastal Consistency Zone

A Department of State (DOS) Federal Consistency Assessment Form has been provided in **Exhibit 10**. The Project entails an underground sanitary sewer utility to be directionally drilled. There appears to be no impact to coastal resources.

Other Supporting Documents

A Wetland Delineation Report including Site Photos is provided in **Exhibit 7** and a Preliminary Jurisdictional Determination is requested from USACE and a Freshwater Wetlands Determination from NYSDEC. NYSDEC Permission to Inspect form is provided in **Exhibit 8**. A frac-out plan related to the directional drilling is provided in **Exhibit 9**. A SWPPP is not yet available but will be required for the Project.

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

US Army Corps of Engineers

JOINT APPLICATION FORM

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

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

1. **Applications To:**

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

Check all permits that apply:

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

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

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

Is the project Federally funded? ☐ Yes ☑ No

If yes, name of Federal Agency:

General Permit Type(s), if known:

Preconstruction Notification: ☐ Yes ☑ No

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

Check all permits that apply:

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

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

Check if this applies: ☑ Coastal Consistency Concurrence

2. **Name of Applicant**: Towns of Kendall; Anthony Cammarata

Taxpayer ID (if applicant is NOT an individual):

Mailing Address: 1873 Kendall Road

Post Office / City: Kendall

State: NY

Zip: 14476

Telephone: 585.659.8721 *7

Email: supervisor@townofkendall.com

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

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

Mailing Address

Post Office / City

State

Zip

Telephone

Email

For Agency Use Only | Agency Application Number

4. **Name of Contact / Agent**

Dustin Bradley

Mailing Address: 300 State Street Suite 201

Post Office / City: Rochester

State: NY

Zip: 14614

Telephone: 716-867-1810

Email: dbradley@labellapc.com

5. **Project / Facility Name**

Kendall REDI Wastewater Infrastructure Project

Property Tax Map Section / Block / Lot Number: Towns of Kendall and Hamlin

Project Street Address, if applicable:

Post Office / City:

State: NY

Zip:

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

residential roads and Lake Ontario State Parkway between Kendall and Hamlin

☑ Town ☐ Village ☐ City

Kendall and Hamlin

County: Orleans/Monroe

Stream/Waterbody Name: Lake Ontario

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

Latitude: 43 ° 15 ' 58.316 N "

Longitude: 78 ° 32 ' 57.501 W "

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

a. Purpose of the proposed project:

The purpose of the project is to replace inadequate or failing septic systems with a state-of-the-art sanitary sewer system in order to improve water quality and to address public health concerns. Inadequate or failing private wastewater systems have resulted in untreated or partially treated sewage reaching the ground surface, and groundwater or surface water bodies, including Lake Ontario.

b. Description of current site conditions:

The Project Area is an approximately 15 mile long section of residential lawns, existing ROW, and roadways.

c. Proposed site changes:

Installation of 79,720 feet of HDPE pipe via HDD. HDD bore pits have been positioned outside of wetland and stream boundaries. Installation 3,431 feet of PVC gravity sewer between 1291 Moscow Road to the entrance of Hamlin Beach State Park will be open cut. Eight 5-foot concrete manholes. Installation of 26,000 feet in sewer laterals will also be installed in residential properties. No impacts to wetlands or streams are anticipated

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

No fill within aquatic features. 26,000 feet of 1.25-inch HDPE laterals, HDPE force main; 1,630 feet of 2-inch, 5,320 feet of 3-inch, 15,400 feet of 4-inch, 18,120 feet of 6-inch, 14,750 feet of 8-inch, 21,550 feet of 10-inch, and 2,950 feet of 8-inch PVC gravity sewer, and 8 5-foot diameter concrete manholes.

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

Temporary excavations for HDD bore pits and open trenching will be restored to preexisting grade and conditions.

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

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

Number of trees to be cut:

Acreage of trees to be cleared:

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

Horizontal direction drill (HDD) equipment, excavator for open trenching. Impacts to stream within the open trench area will be avoided by using HDD at least 6 feet below stream bed.

h. Describe the planned sequence of activities:

Survey of project area, HDD bore pit excavation, HDD pipe installation, excavation of tie-over pits, restoration to preexisting conditions

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

BMPs include general site housekeeping, refueling outside of regulated areas, secondary containment of single-walled fuel tanks near wetlands and streams, readily available spill kits.

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

Standard SWPPP methods will be implemented. Silt fence and/or silt sock will be installed as needed at downslope wetland boundaries.

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

HDD pipe installation methods and positioning HDD bore pits outside of wetland and streams and stream will avoid wetland and stream impacts.

l. Proposed use: ☐ Private ☑ Public ☐ Commercial

m. Proposed Start Date: March 2024 Estimated Completion Date: September 2024

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

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

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

N/A

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

☐ Yes If Yes, list below. ☑ No

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

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

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

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

Signature of Applicant | Date: 10-23-2023

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

Printed Name: Anthony Cammarata | Title: Town Supervisor, Operator

Signature of Owner (if different than Applicant) | Date:

Printed Name: | Title:

Signature of Contact / Agent: Dustin Bradley | Date: 10/20/2023

Printed Name: Dustin Bradley | Title: Wetland Ecologist

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

Agency Application Number:

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

Agency Representative:

Printed Name: | Title:

Signature: | Date:

EXHIBIT 3

FIGURES

LaBella
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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

N

0 3,000 6,000 Feet

1 inch = 6,000 feet

Legend

Project Area

Sources:
1. Project Area: Created by LaBella using information provided by the client.
2. Basemap: ESRI USA Topo Map (Updated: 2020) in reference to USGS Topographic Kendall and Hamlin Quadrangles (1978).

USGS Site Location

FIGURE 1

LaBella Project No: 2200455
Date: September 2023

Creator: NS Reviewer: LD

Path: \\eash.lab.vp\PAM7\Kendall, Town of\2200455 - REDI Wastewater Infrastructure\Drawings\Environmental\Permitting\Figure 1 - USGS Site Location.mxd

Creator: NS Reviewer: LD

Path: \\cash.lab.p\PAM7\Kendall, Town of\2200455 - REDI Wastewater Infrastructure\Drawings\Environmental\Permitting\Figure 2 - NWI-Mapped Resources.mxd

LaBella
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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

N

0 500 1,000 Feet

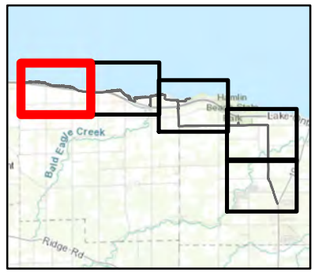
1 inch = 1,000 feet

Legend

- Project Area

National Wetland Inventory

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine



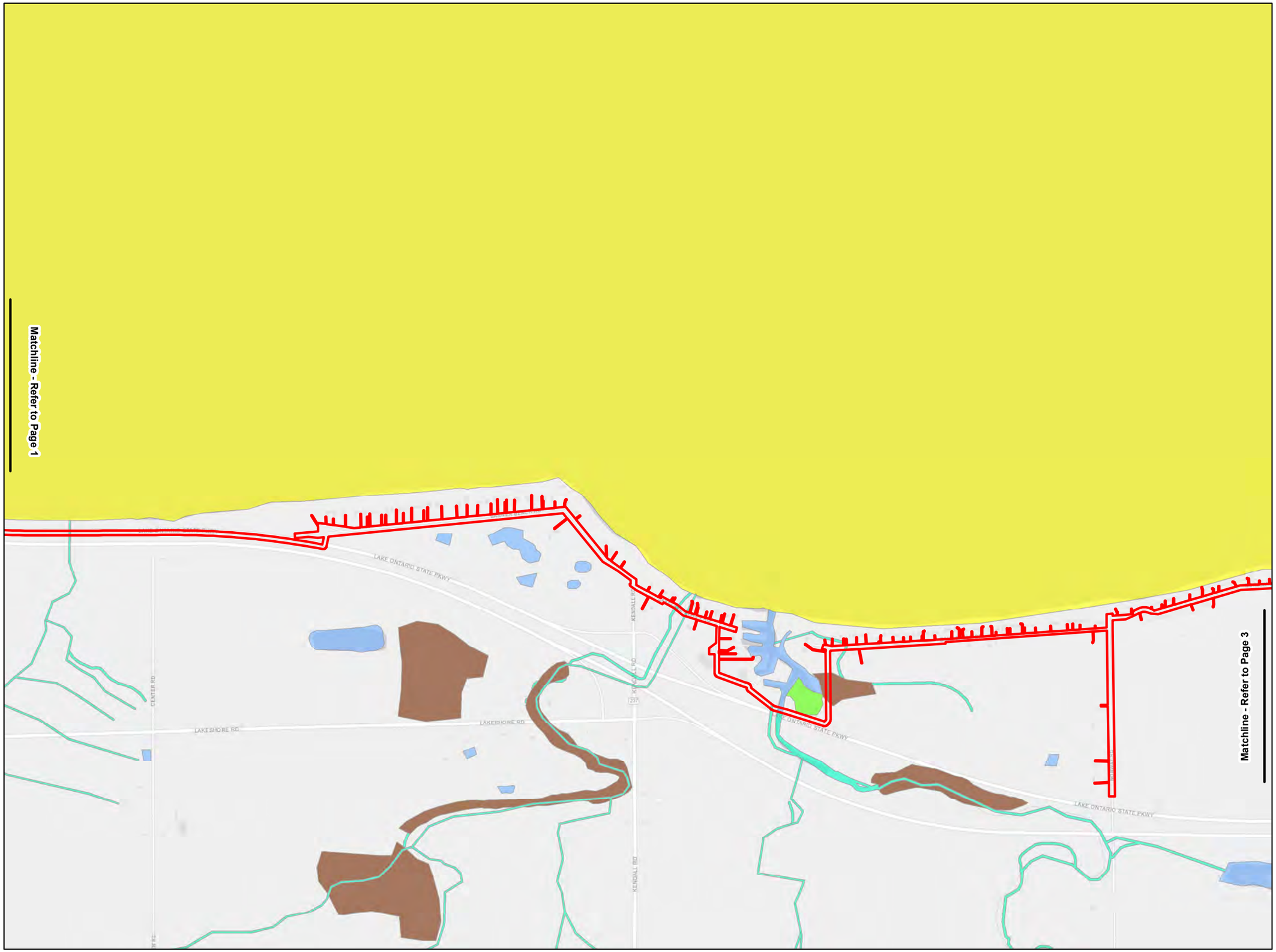
Sources:
1. Project Area: Created by LaBella using information provided by the client.
2. Basemap: Esri, HERE, Garmin, (c) OpenStreetMap contributors 2023.

NWI-Mapped Resources

FIGURE 2

Page 1 of 5

LaBella Project No: 2200455
Date: September 2023



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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

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Legend

- Project Area

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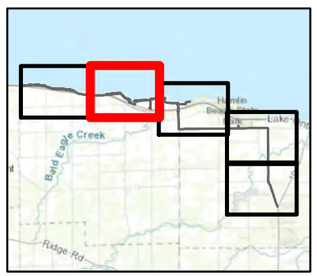

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NWI-Mapped Resources

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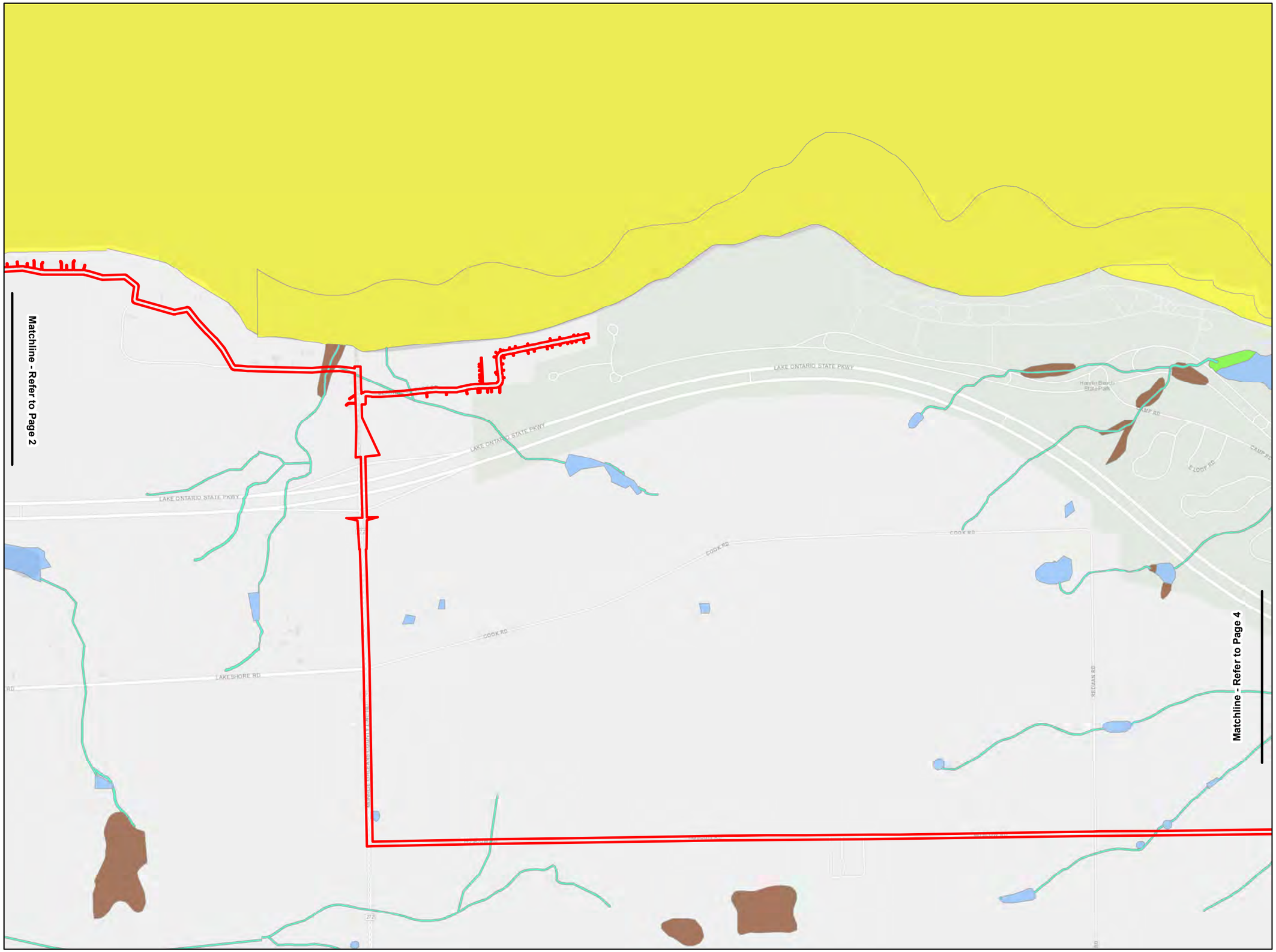

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REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

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- Project Area

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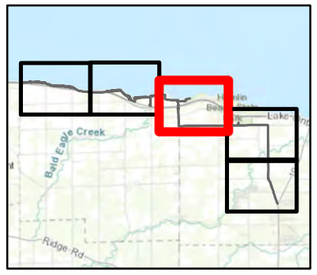

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NWI-Mapped Resources

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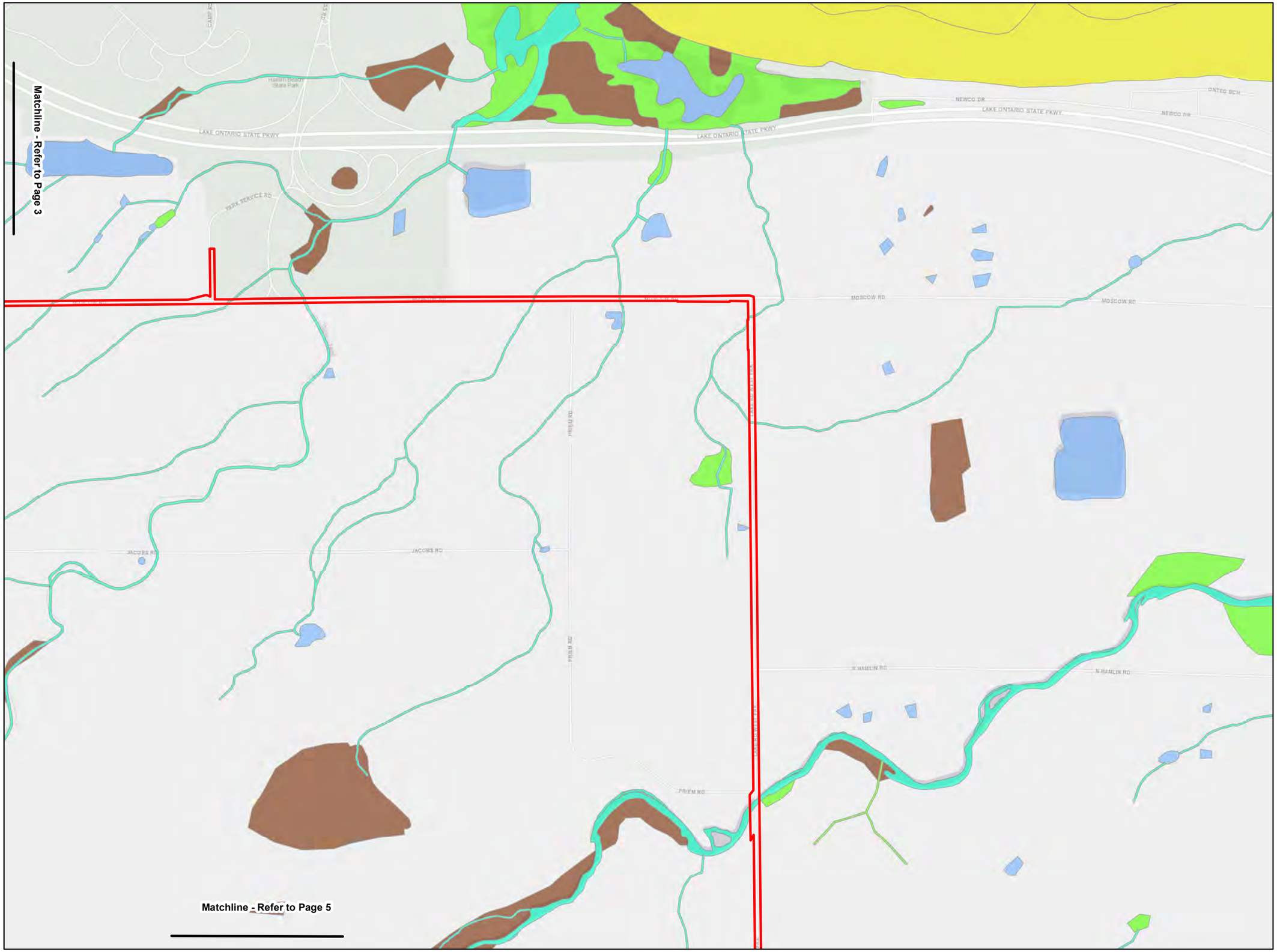

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REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

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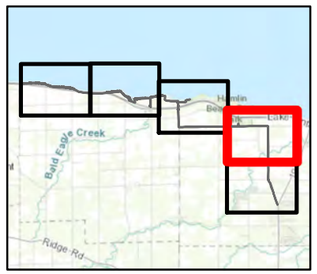
National Wetland Inventory

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine



Sources:
1. Project Area: Created by LaBella using information provided by the client.
2. Basemap: Esri, HERE, Garmin, (c) OpenStreetMap contributors 2023.

NWI-Mapped Resources

FIGURE 2

LaBella Project No: 2200455
Date: September 2023

Creator: NS Reviewer: LD

Path: \\cash.lab.lp\PAM7\Kendall, Town of\2200455 - REDI Wastewater Infrastructure\Drawings\Environmental\Permitting\Figure 2 - NWI-Mapped Resources.mxd

Matchline - Refer to Page 4

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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

N

0 500 1,000 Feet

1 inch = 1,000 feet

Legend

- Project Area

National Wetland Inventory

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
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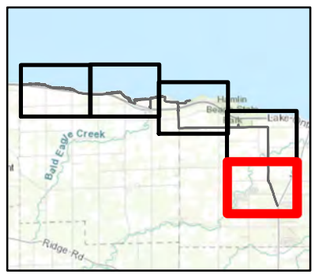

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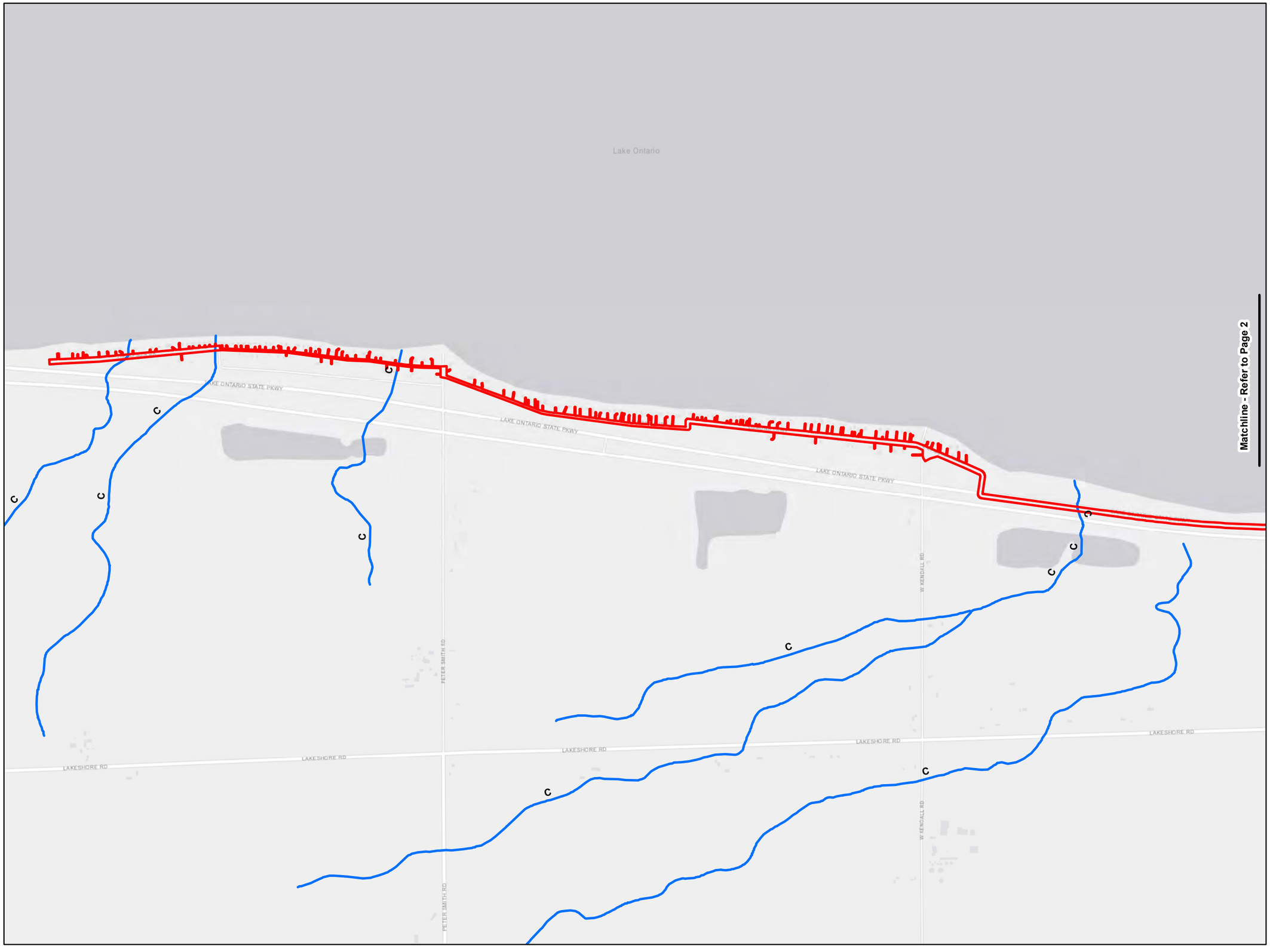
NWI-Mapped Resources

FIGURE 2

LaBella Project No: 2200455
Date: September 2023

Creator: NS Reviewer: LD

Path: \\cash.lab\p\PAM7\Kendall, Town of\2200455 - REDI Wastewater Infrastructure\Drawings\Environmental\Permitting\Figure 3 - NYSDEC-Mapped Wetlands and Streams.mxd



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Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

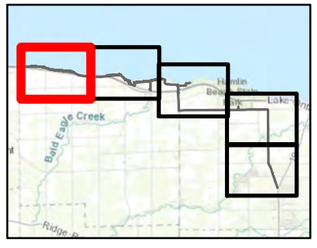
N

0 500 1,000 Feet

1 inch = 1,000 feet

Legend

- Project Area
- NYSDEC-Classified Stream
- NYSDEC Wetland
- NYSDEC Wetland 100-Foot Adjacent Area



Sources:
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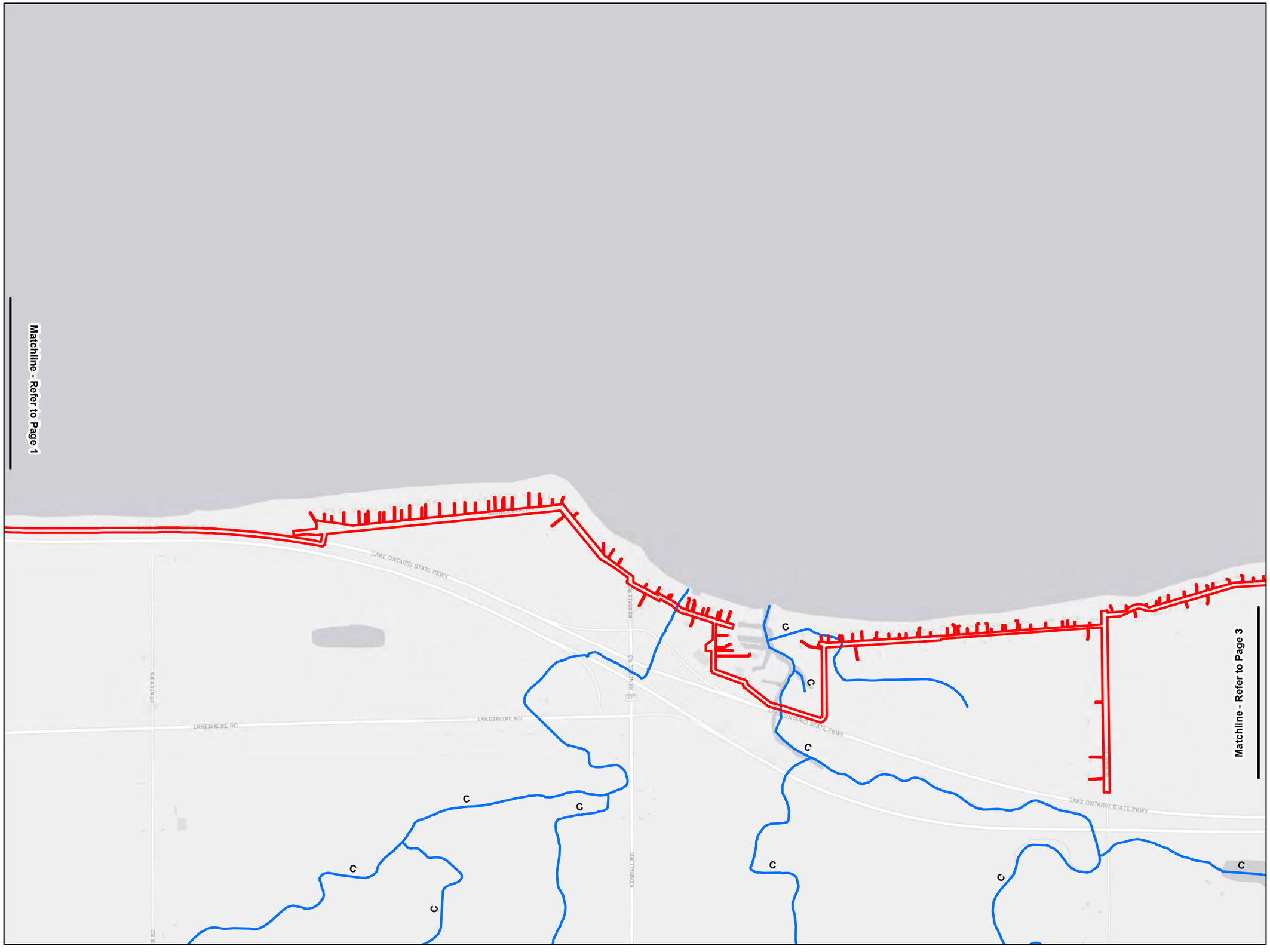
NYSDEC-Mapped Wetlands and Streams

FIGURE 3

Page 1 of 5

LaBella Project No: 2200455
Date: September 2023



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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

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0 500 1,000 Feet

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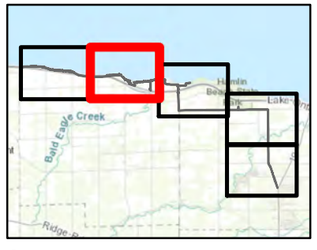

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NYSDEC-Mapped Wetlands and Streams

FIGURE 3

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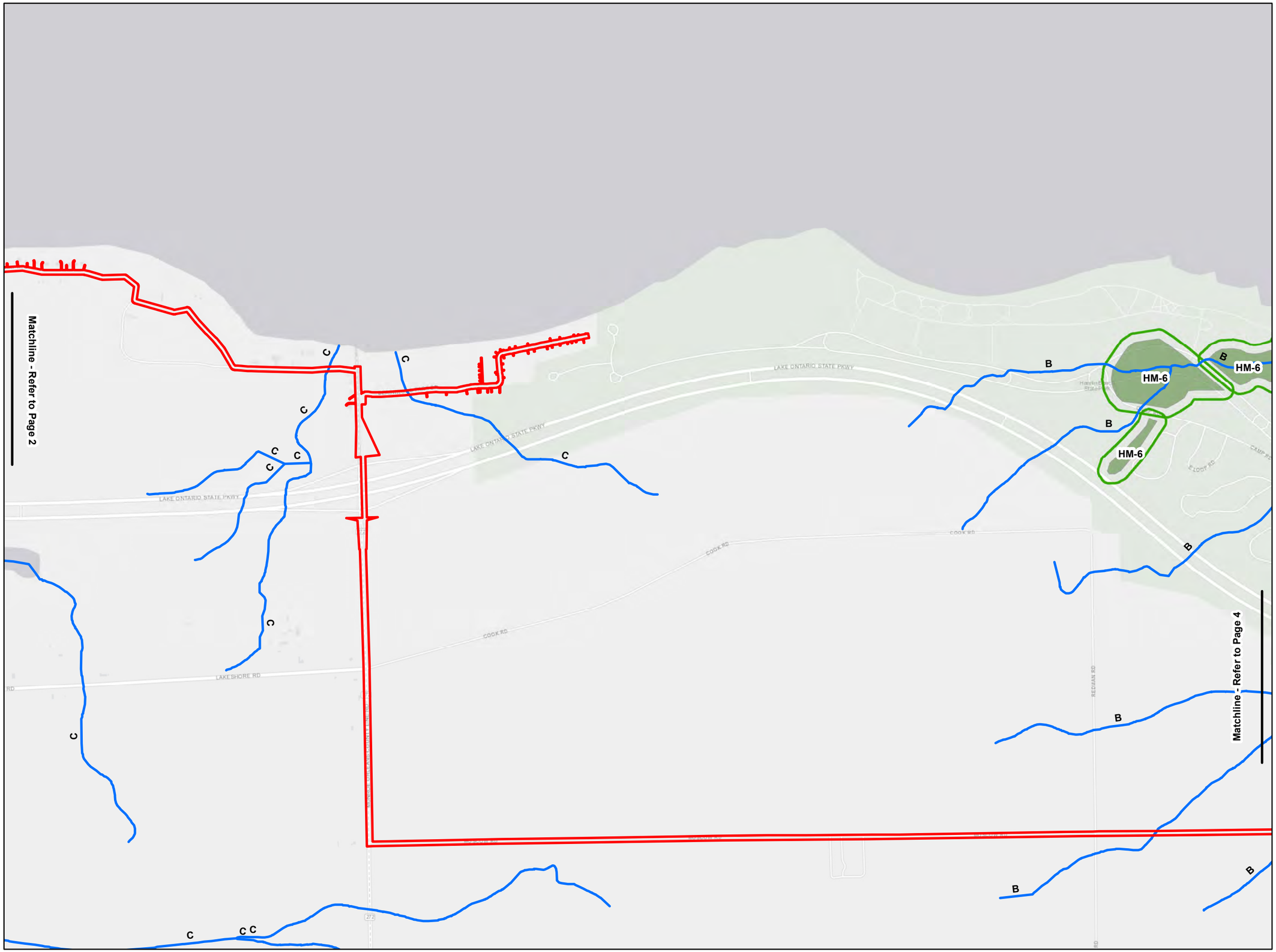
Date: September 2023



Path: \\cashlab\p\PAM7\Kendall, Town of\2200455 - REDI Wastewater Infrastructure\Drawings\Environmental\Permitting\Figure 3 - NYSDEC-Mapped Wetlands and Streams.mxd

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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

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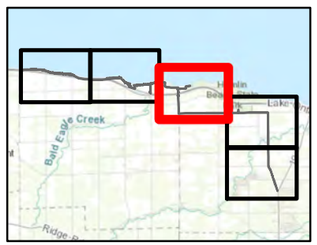

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NYSDEC-Mapped Wetlands and Streams

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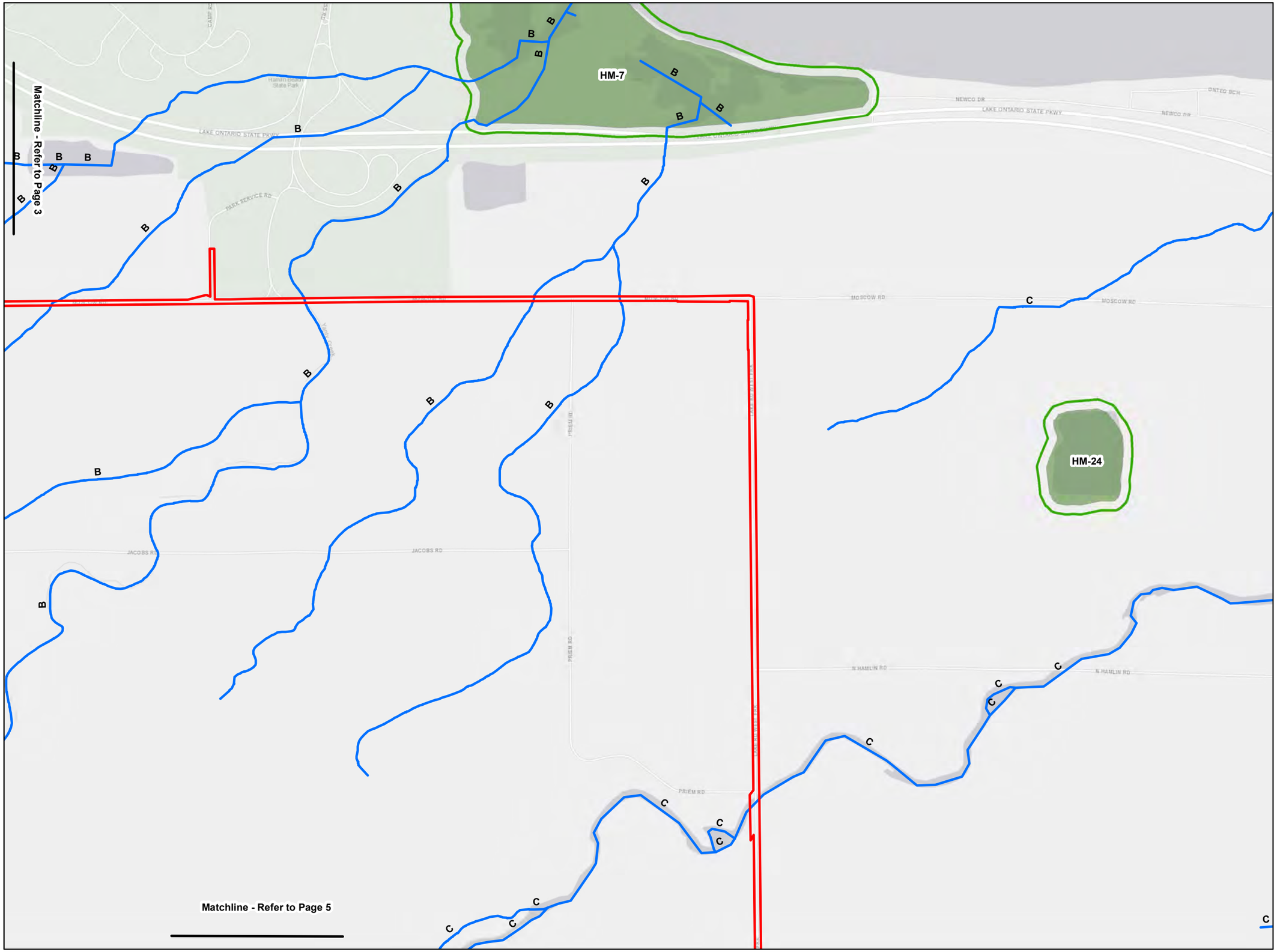

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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

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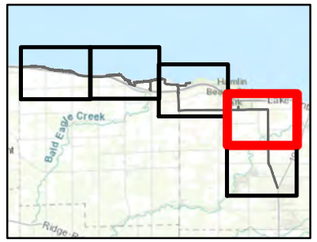

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NYSDEC-Mapped Wetlands and Streams

FIGURE 3

Page 4 of 5

LaBella Project No: 2200455
Date: September 2023

Creator: NS Reviewer: LD

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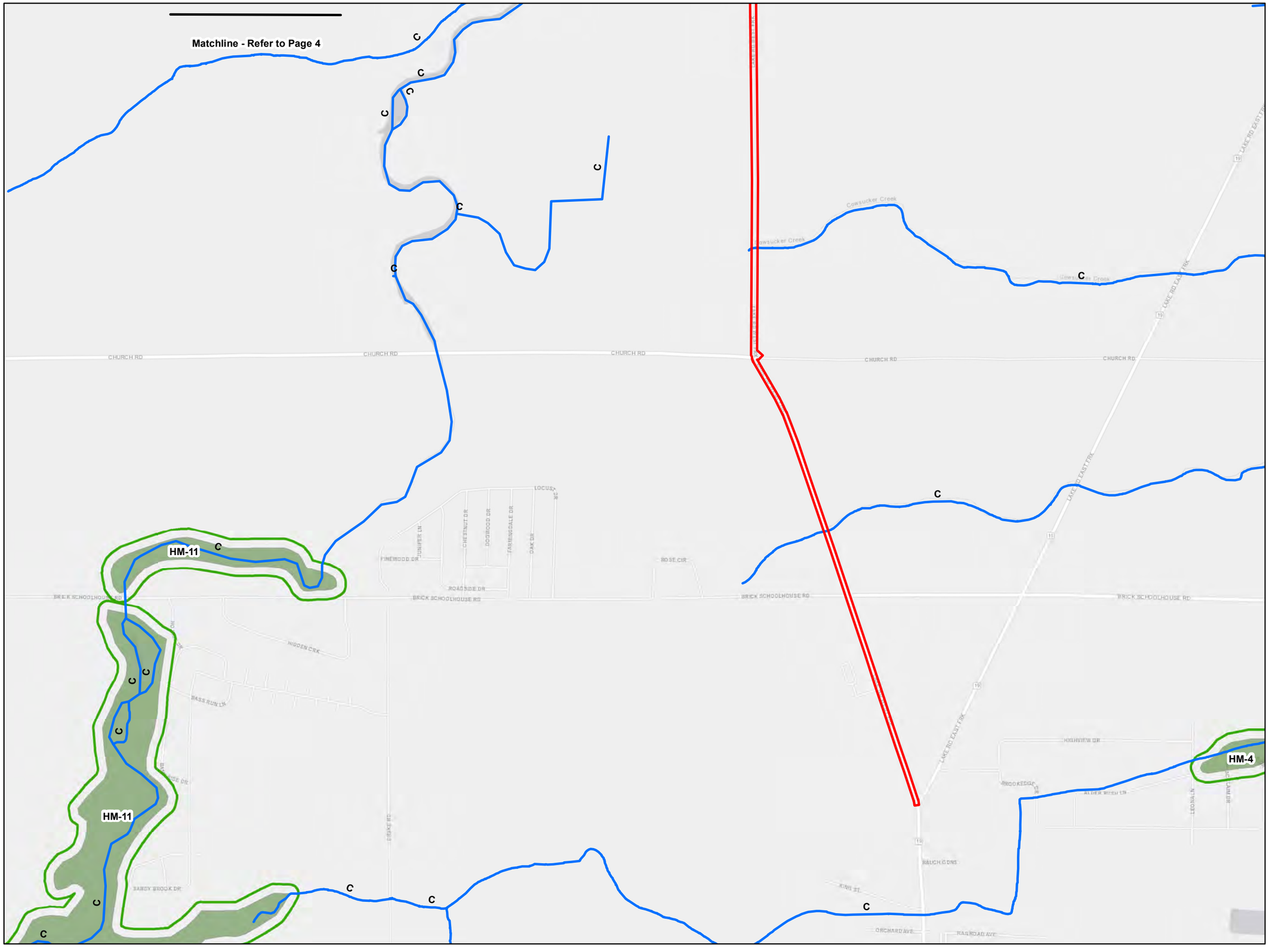

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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

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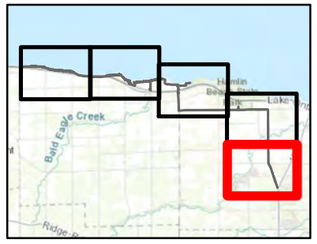

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NYSDEC-Mapped Wetlands and Streams

FIGURE 3

Page 5 of 5

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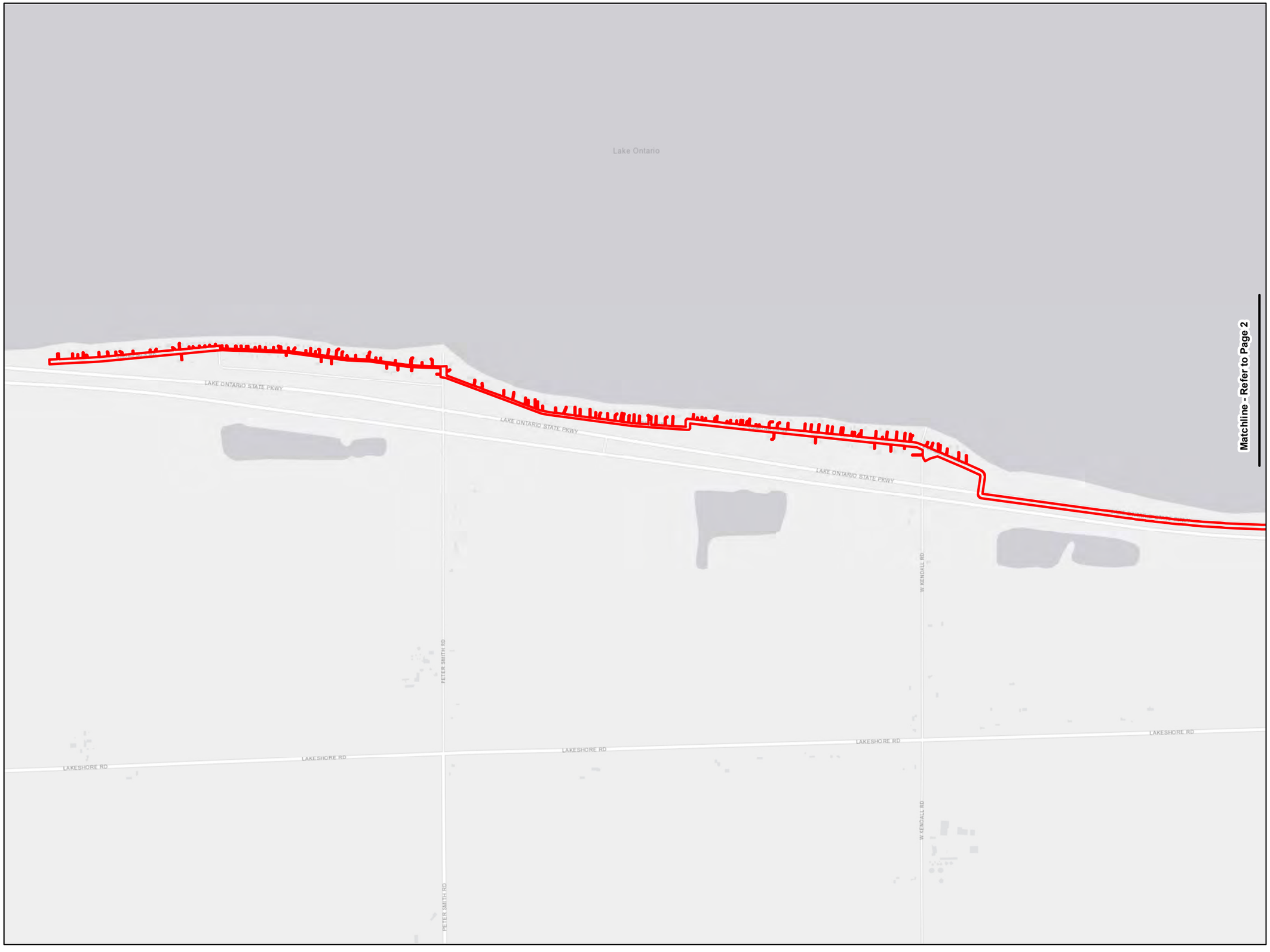
Date: September 2023



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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

N

0 500 1,000 Feet

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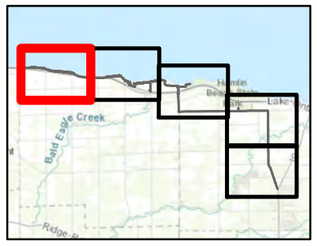
Legend

- Project Area
- FEMA Floodway
- 100-Year FEMA Flood Zone



Sources:
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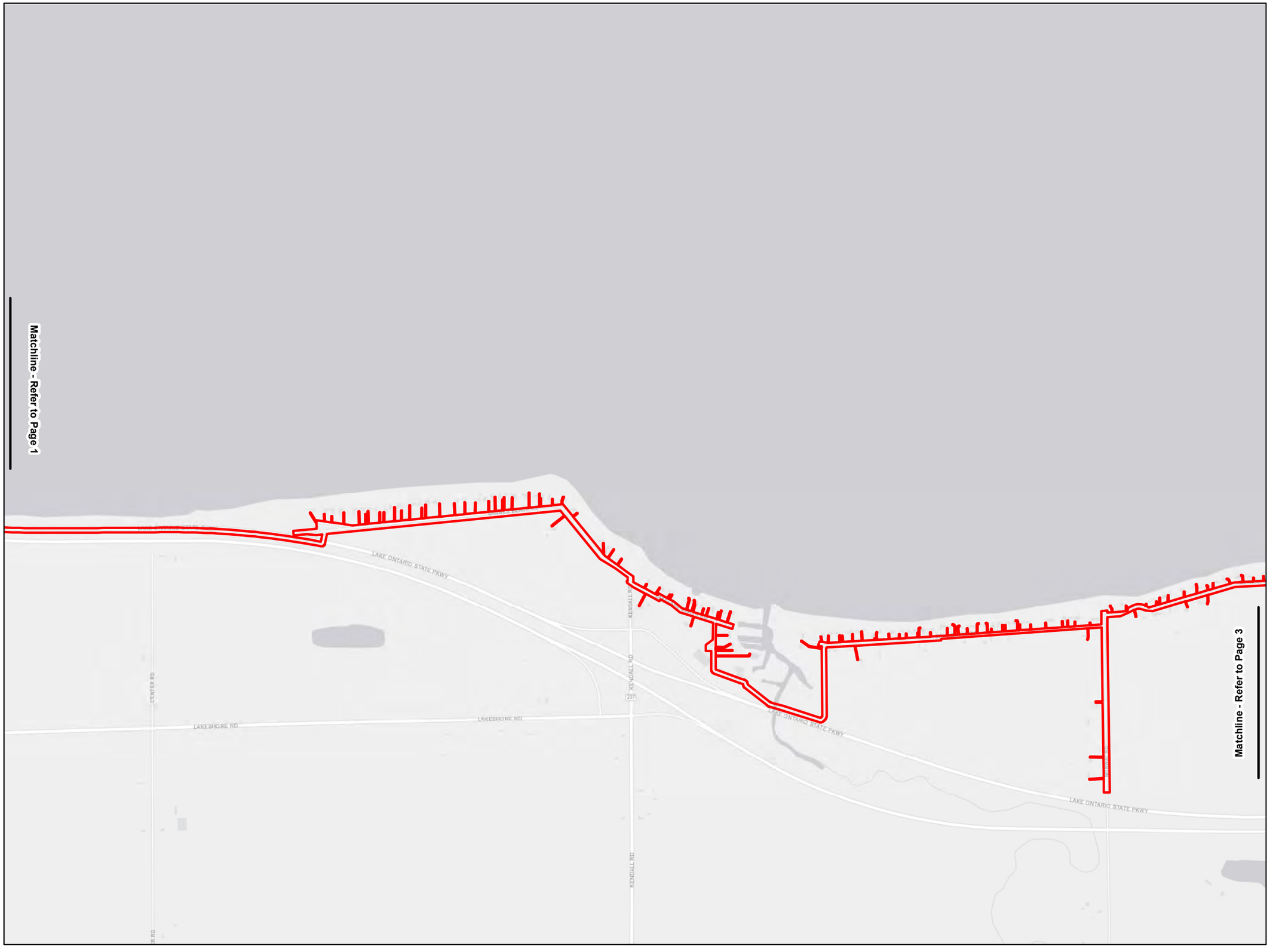
FEMA Flood Zones

FIGURE 4

LaBella Project No: 2200455
Date: September 2023

Creator: NS Reviewer: LD

Path: \\cash.lab\p\PAM7\Kendall, Town of\2200455 - REDI Wastewater Infrastructure\Drawings\Environmental\Permitting\Figure 4 - FEMA Flood Zones.mxd



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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

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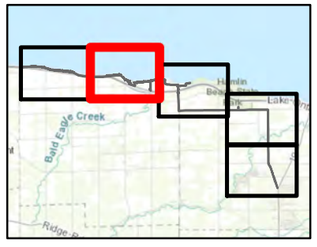

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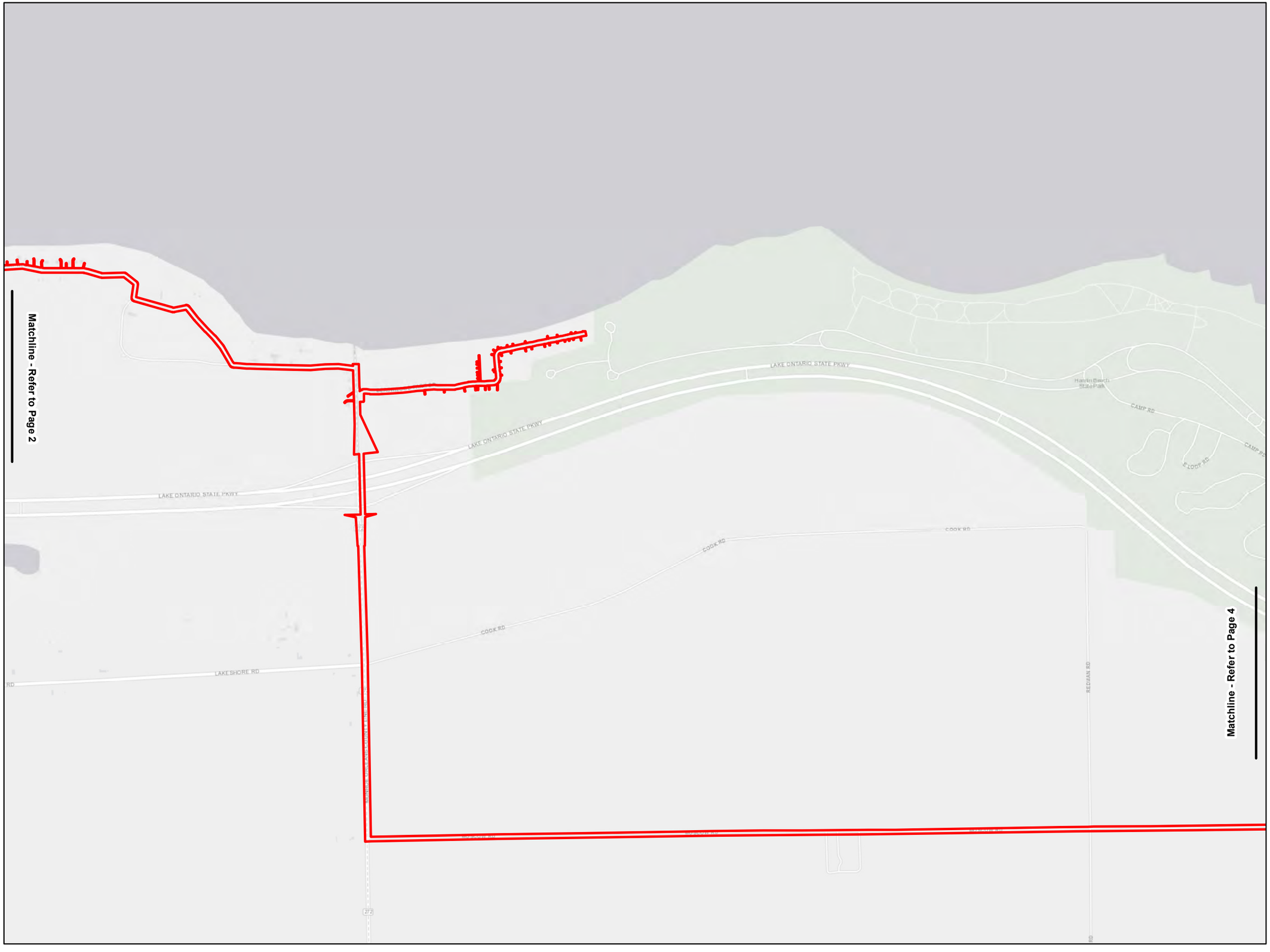

Creator: NS Reviewer: LD

Path: \\cash.lab\p\PAM7\Kendall, Town of\2200455 - REDI Wastewater Infrastructure\Drawings\Environmental\Permitting\Figure 4 - FEMA Flood Zones.mxd

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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

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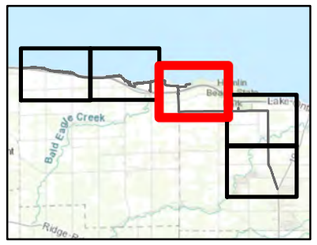

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FEMA Flood Zones

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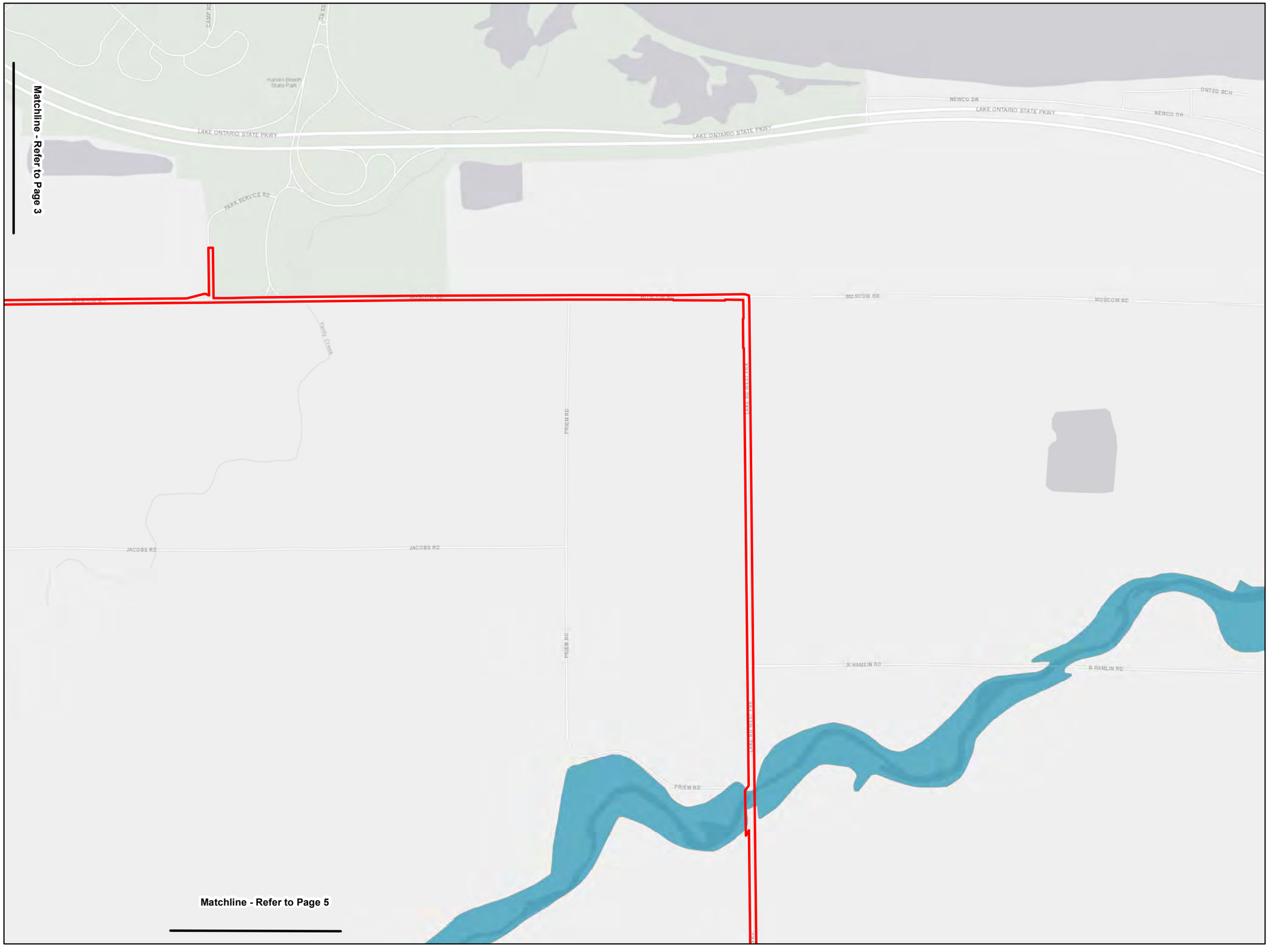

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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

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0 500 1,000 Feet

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Legend

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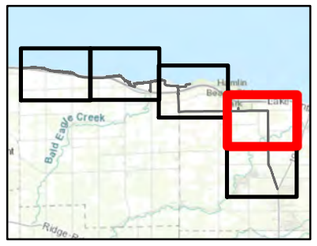

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FEMA Flood Zones

FIGURE 4

Page 4 of 5

LaBella Project No: 2200455
Date: September 2023

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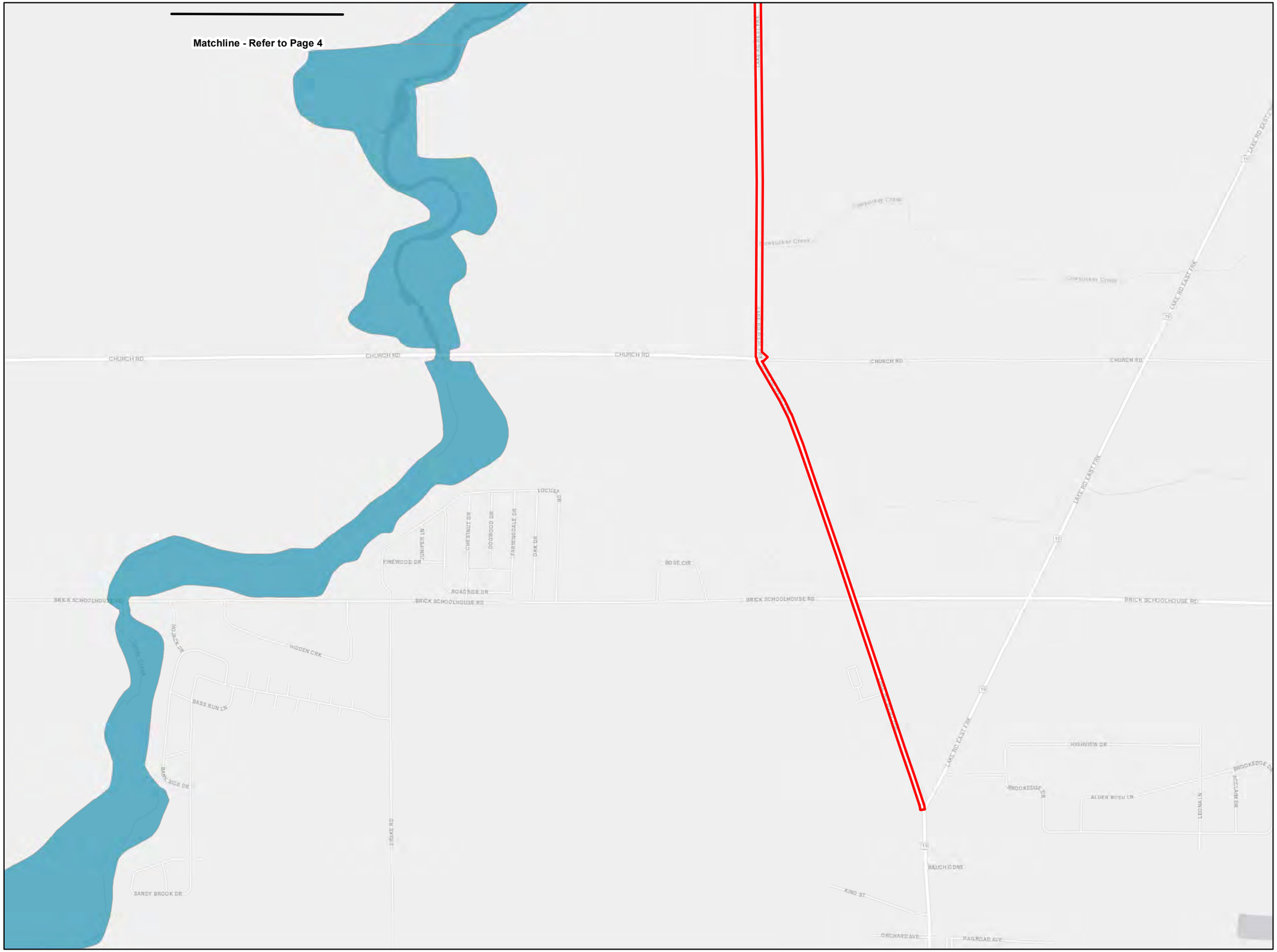
Path: \\cash.lab.p\PAM7\Kendall, Town of\2200455 - REDI Wastewater Infrastructure\Drawings\Environmental\Permitting\Figure 4 - FEMA Flood Zones.mxd



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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

N

0 500 1,000 Feet

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Legend

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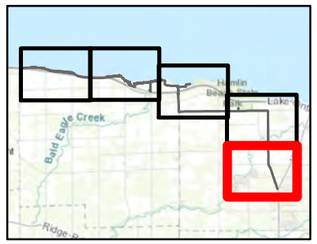
- FEMA Floodway
- 100-Year FEMA Flood Zone



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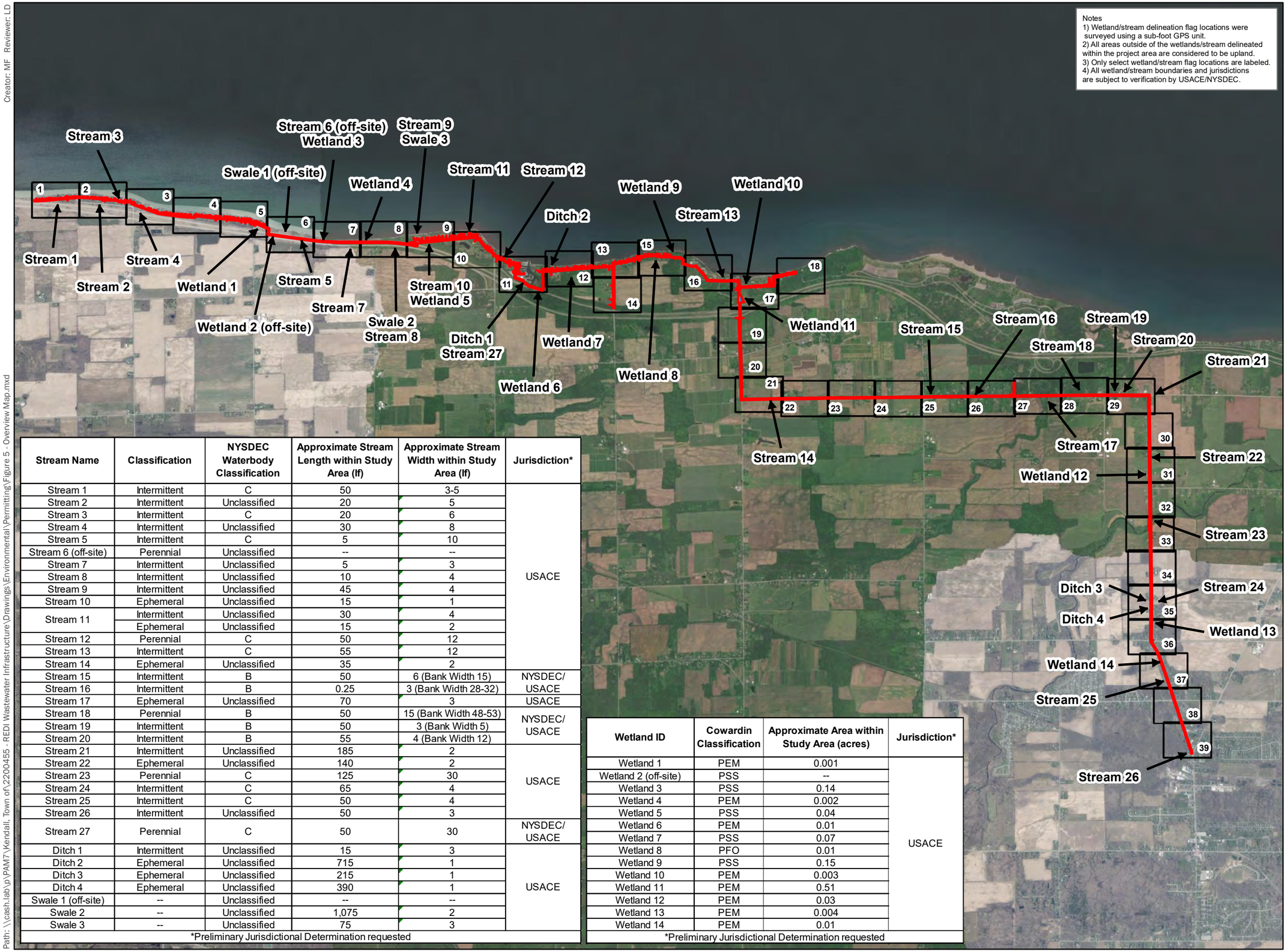
FEMA Flood Zones

FIGURE 4

LaBella Project No: 2200455
Date: September 2023

Creator: MF Reviewer: LD

Path: \\cash.lab\p\PAM7\Kendall, Town of\2200455 - REDI Wastewater Infrastructure\Drawings\Environmental\Permitting\Figure 5 - Overview Map.mxd



Stream Name	Classification	NYSDEC Waterbody Classification	Approximate Stream Length within Study Area (lf)	Approximate Stream Width within Study Area (lf)	Jurisdiction*
Stream 1	Intermittent	C	50	3-5	USACE
Stream 2	Intermittent	Unclassified	20	5	
Stream 3	Intermittent	C	20	6	
Stream 4	Intermittent	Unclassified	30	8	
Stream 5	Intermittent	C	5	10	
Stream 6 (off-site)	Perennial	Unclassified	--	--	
Stream 7	Intermittent	Unclassified	5	3	
Stream 8	Intermittent	Unclassified	10	4	
Stream 9	Intermittent	Unclassified	45	4	
Stream 10	Ephemeral	Unclassified	15	1	
Stream 11	Intermittent	Unclassified	30	4	
	Ephemeral	Unclassified	15	2	
Stream 12	Perennial	C	50	12	
Stream 13	Intermittent	C	55	12	
Stream 14	Ephemeral	Unclassified	35	2	
Stream 15	Intermittent	B	50	6 (Bank Width 15)	NYSDEC/ USACE
Stream 16	Intermittent	B	0.25	3 (Bank Width 28-32)	
Stream 17	Ephemeral	Unclassified	70	3	USACE
Stream 18	Perennial	B	50	15 (Bank Width 48-53)	NYSDEC/ USACE
Stream 19	Intermittent	B	50	3 (Bank Width 5)	
Stream 20	Intermittent	B	55	4 (Bank Width 12)	
Stream 21	Intermittent	Unclassified	185	2	USACE
Stream 22	Ephemeral	Unclassified	140	2	
Stream 23	Perennial	C	125	30	
Stream 24	Intermittent	C	65	4	
Stream 25	Intermittent	C	50	4	
Stream 26	Intermittent	Unclassified	50	3	
Stream 27	Perennial	C	50	30	NYSDEC/ USACE
Ditch 1	Intermittent	Unclassified	15	3	USACE
Ditch 2	Ephemeral	Unclassified	715	1	
Ditch 3	Ephemeral	Unclassified	215	1	
Ditch 4	Ephemeral	Unclassified	390	1	
Swale 1 (off-site)	--	Unclassified	--	--	
Swale 2	--	Unclassified	1,075	2	
Swale 3	--	Unclassified	75	3	

*Preliminary Jurisdictional Determination requested

Wetland ID	Cowardin Classification	Approximate Area within Study Area (acres)	Jurisdiction*
Wetland 1	PEM	0.001	USACE
Wetland 2 (off-site)	PSS	--	
Wetland 3	PSS	0.14	
Wetland 4	PEM	0.002	
Wetland 5	PSS	0.04	
Wetland 6	PEM	0.01	
Wetland 7	PSS	0.07	
Wetland 8	PFO	0.01	
Wetland 9	PSS	0.15	
Wetland 10	PEM	0.003	
Wetland 11	PEM	0.51	
Wetland 12	PEM	0.03	
Wetland 13	PEM	0.004	
Wetland 14	PEM	0.01	

*Preliminary Jurisdictional Determination requested

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Town of Kendall

Joint Permit Application

REDI Wastewater Infrastructure Orleans and Monroe Counties, NY

N

0 2,000 4,000 Feet

1 inch = 4,000 feet

Legend

- Project Area
- Delineated Wetlands and Streams

Sources:
1. Project Area: Created by LaBella using information provided by the client.
2. Basemap: Esri, DigitalGlobe, GeoEye, Earthstar, Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and GIS User Community 2020/2021.

Overview Map

FIGURE 5

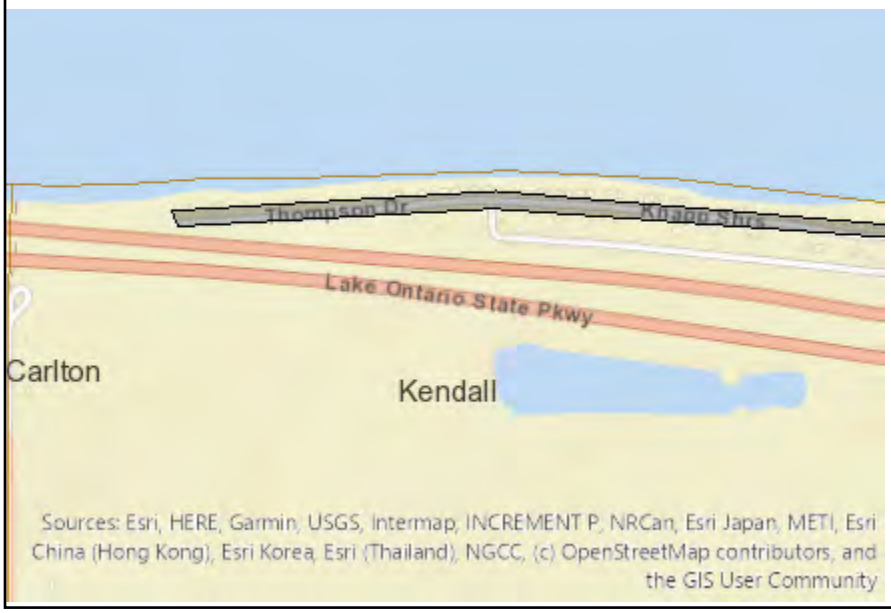
LaBella Project No: 2200455
Date: September 2023

EXHIBIT 4

PROTECTED SPECIES

EAF Mapper Summary Report

Sunday, September 24, 2023 6:25 PM



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

B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	828063
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	847-655, 847-624, 847-652, 847-625, 847-651
E.2.h.iv [Surface Water Features - Stream Classification]	C, B
E.2.h.iv [Surface Water Features - Lake/Pond Name]	847-4
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	A

E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Lake Ontario Shoreline, Western – Algal/Weed Growth;Priority Organics;Pesticides;Nutrients – Recreation;Fish Consumption;Public Bathing
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Sand Beach, Great Lakes Dunes, Great Lakes Bluff
E.2.n.i [Natural Communities - Acres]	3.3, 33.24, 7.0
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Lake Sturgeon, Puttyroot, Least Bittern
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	Red-headed Woodpecker
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ORLEcn1, MONRcn5
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:PARK POLICE/OLD FARM COMPLEX, Eligible property:Storage building, Eligible property:Maintenance shed, Eligible property:Maintenance garage, Eligible property:Park Manager's Residence (G-06), Eligible property:BIN 3317630
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov

In Reply Refer To:
Project code: 2023-0132426
Project Name: Kendall REDI Wastewater Infrastructure

September 24, 2023

Federal Action Agency (if applicable):

Subject: Record of project representative's no effect determination for 'Kendall REDI Wastewater Infrastructure'

Dear Alexandra Shipman Messner:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on September 24, 2023, for 'Kendall REDI Wastewater Infrastructure' (here forward, Project). This project has been assigned Project Code 2023-0132426 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed

action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of “No Effect” on the northern long-eared bat. If there are no updates on listed species, no further consultation/ coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New York Ecological Services Field Office and reference Project Code 2023-0132426 associated with this Project.

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

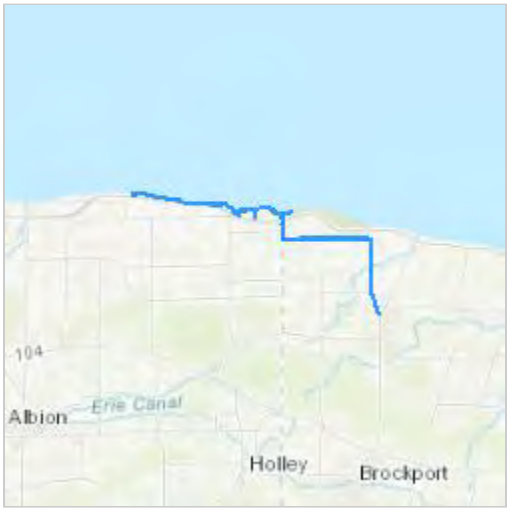
Kendall REDI Wastewater Infrastructure

2. Description

The following description was provided for the project 'Kendall REDI Wastewater Infrastructure':

> The purpose of the project is to replace inadequate or failing septic systems with a state-of-the-art sanitary sewer system in order to improve water quality and to address public health concerns. Inadequate or failing private wastewater systems have resulted in untreated or partially treated sewage reaching the ground surface, and groundwater or surface water bodies, including Lake Ontario

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@43.3440688,-77.92788479014254,14z



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (Myotis septentrionalis). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

   Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

   No

2. The proposed action does not intersect an area where the northern long-eared bat is likely to occur, based on the information available to U.S. Fish and Wildlife Service as of the most recent update of this key. If you have data that indicates that northern long-eared bats <u>are</u> likely to be present in the action area, answer "NO" and continue through the key.

   Do you want to make a no effect determination?

   Yes

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency:	LaBella Associates
Name:	Alexandra Shipman Messner
Address:	300 State Street
Address Line 2:	Suite 201
City:	Rochester
State:	NY
Zip:	14614
Email	ashipman@labellapc.com
Phone:	5852956276

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov

In Reply Refer To: September 24, 2023
Project Code: 2023-0132426
Project Name: Kendall REDI Wastewater Infrastructure

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

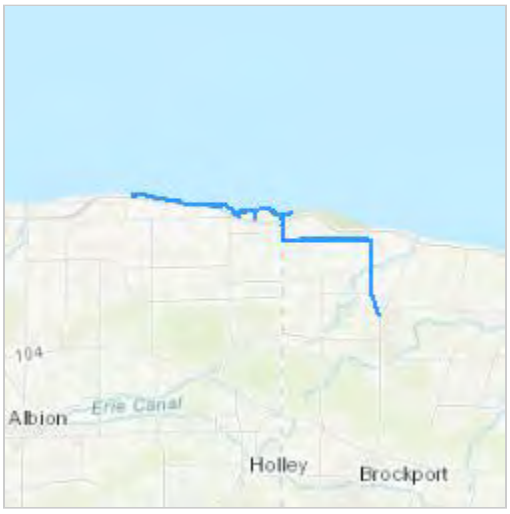
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

PROJECT SUMMARY

Project Code: 2023-0132426
Project Name: Kendall REDI Wastewater Infrastructure
Project Type: New Constr - Below Ground
Project Description: The purpose of the project is to replace inadequate or failing septic systems with a state-of-the-art sanitary sewer system in order to improve water quality and to address public health concerns. Inadequate or failing private wastewater systems have resulted in untreated or partially treated sewage reaching the ground surface, and groundwater or surface water bodies, including Lake Ontario

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@43.3440688,-77.92788479014254,14z



Counties: Monroe and Orleans counties, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

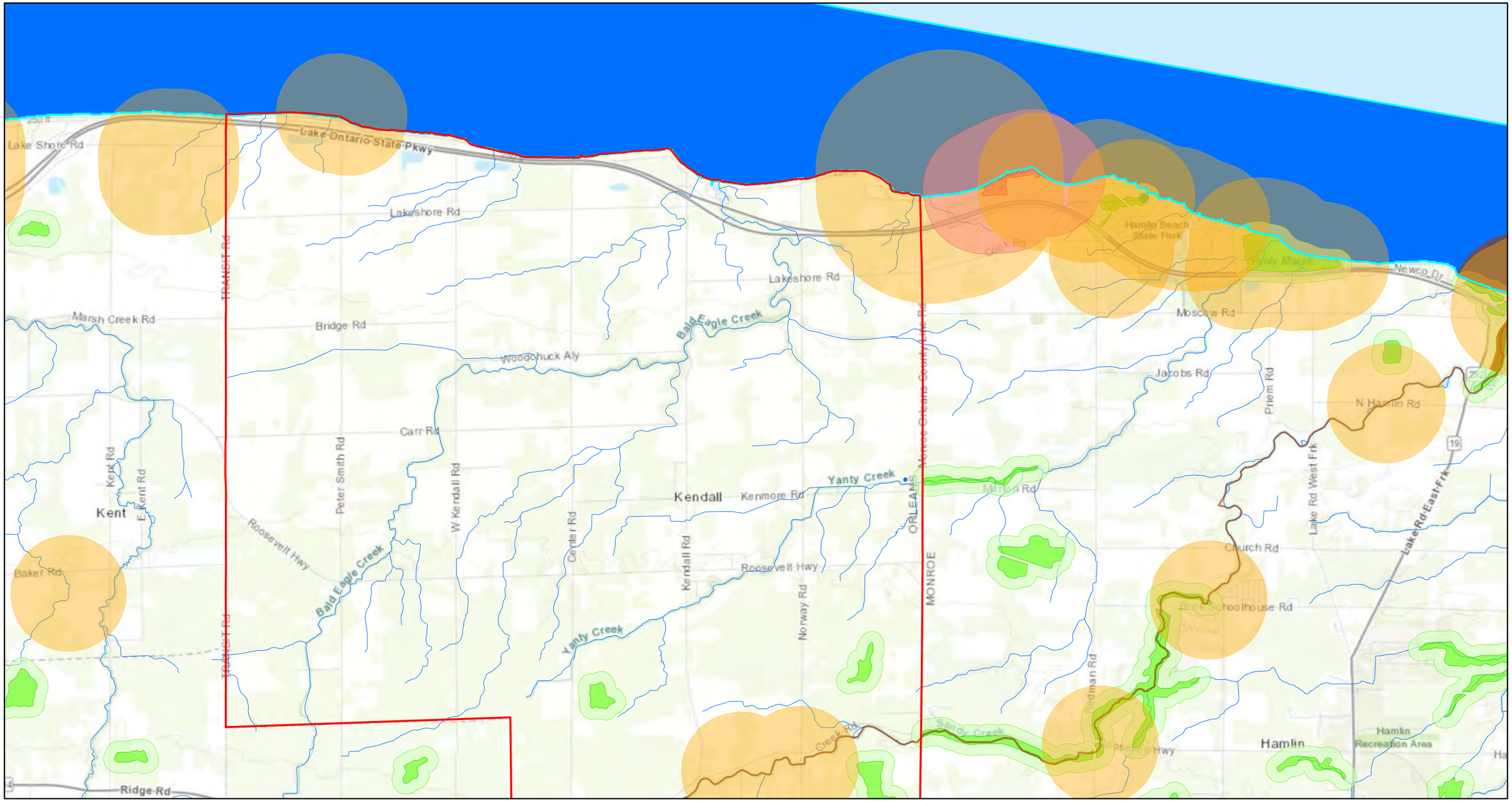
THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency:	LaBella Associates
Name:	Alexandra Shipman Messner
Address:	300 State Street
Address Line 2:	Suite 201
City:	Rochester
State:	NY
Zip:	14614
Email	ashipman@labellapc.com
Phone:	5852956276

Kendall REDI Wastewater Infrastructure Project



October 9, 2023

1:72,224

0 0.5 1 2 mi

0 1 2 4 km

NYS Department of Environmental Conservation
Not a legal document

EXHIBIT 5

SEQRA EAF FORM

KENDALL TOWN BOARD
MEETING
Tuesday, January 19, 2021 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilwoman Flow
Councilman Martin
Councilman Newell
Councilwoman Szozda
Supervisor Cammarata

ACCEPTANCE OF MINUTES

Meeting - December 15, 2020
Yearend meeting – Tuesday, December 29, 2020 at 3:00 p.m.
Organizational Meeting – Tuesday, January 5, 2021 at 7:00 p.m.

SUPERVISOR'S COMMENTS

CORRESPONDENCE

NYS Association of Towns – Training in 2021
New Modern Disposal schedule – sent to all residences
Don & Mary Mann – thank you for Water District Eight
Elizabeth Woodams – request for public water

PUBLIC COMMENT

REPORTS OF COMMITTEES, BOARDS AND DEPARTMENT HEADS

Standing Committees

Public Safety/Emergency Services & Occupational Safety – Martin
Buildings & Grounds – Martin
Highway – Martin

Community Relations - Flow
Culture & Recreation – Flow
Information Services – Flow

Human Resources and Ethics – Szozda

Employee Benefits – Szozda

Planning, Zoning & Agriculture – Newell

Finance, Taxes & Special Districts – Cammarata

Boards

Planning Board – A. Kludt, Chair
Zoning Board – P. Bolton, Chair

Department Heads

Assessor – G. Massey
Code Enforcement – P. Hennekey
Highway - W. Kruger
Historian – K. Corcoran –
Recreation – M. Werth
Town Clerk – A. Richardson – written report submitted
Town Justices – D. Kluth, D. Gaudioso – written reports submitted
Supervisor – A. Cammarata – written report submitted

RESOLUTIONS

RESOLUTION 43-0121 EXTENDING ASSESSMENT EXEMPTIONS WITHOUT RENEWAL APPLICATIONS FOR SENIORS AND LIMITED INCOME DISABILITY FOR ELIGIBLE PEOPERTY OWNERS

WHEREAS, pursuant to the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (Part B, Subpart D) signed by Governor Cuomo on December 28, 2020, every governing body of an assessing unit and local assessor shall extend to the 2021 assessment roll, the renewal of the exemptions received on the 2020 assessment roll pursuant to sections 467 (senior citizen) and 459-c (limited income disability) of the real property tax law; and

WHEREAS, no renewal application shall be required of any eligible property owner who received either exemption on the 2020 assessment roll in order for such eligible property owner to continue receiving the exemption at the same amount received on the 2020 assessment roll unless the eligible property owner determines their income has changed in a manner that would grant them a greater exemption than was present on the 2020 assessment roll; and

WHEREAS, notwithstanding the foregoing, if the assessor has reason to believe that a potentially eligible property owner has since (after the 3/1/2020 taxable status date and prior to the 3/1/2021 taxable status date) changed their primary residence, added another owner to the deed, sold the property, or is now deceased, the assessor may require a renewal application in his/her sole discretion.

NOW THEREFORE BE IT RESOLVED the Town Board of the Town of KENDALL hereby authorizes the exemptions referenced above (senior citizen & limited income disability) for the 2021 assessment roll without submission of a renewal application unless otherwise required by the assessor.

RESOLUTION 44-0121 TOWN OF KENDALL REDI WASTEWATER INFRASTRUCTURE PROJECT FULL ENVIRONMENTAL ASSESSMENT

Be it Resolved that the Kendall Town Board authorizes Supervisor Cammarata to sign the Full Environmental Assessment Forms for approval and or funding of the awarded REDI Wastewater Sewer Project.

PAYMENT OF CLAIMS

General Fund	Abstract 1	$ 28,694.57	Vouchers 1-14,16-19,21-25,27,28,36
Highway Fund	Abstract 1	$ 24,549.05	Vouchers 2, 4, 27, 29, 31-33,35, 37-41, 43-47
Light District One	Abstract 1	$ 358.59	Voucher 16
Light District Two	Abstract 1	$ 226.86	Voucher 16
Light District Three	Abstract 1	$ 111.10	Voucher 16
Water District Two	Abstract 1	$ 2,055.00	Voucher 48
Water District Three	Abstract 1	$ 4,317.50	Voucher 48
Water District Four	Abstract 1	$ 16,802.50	Voucher 48
Water District Five	Abstract 1	$ 6,090.63	Voucher 48
Water District Six	Abstract 1	$ 1,453.58	Vouchers 15, 26. 28
Water District Eight	Abstract 1	$ 40,677.45	Vouchers 20, 49
Water District Ten	Abstract 1	$ 158,569.81	Vouchers 30, 34, 42, 50
Fire District	Abstract 1	$ 27,595.00	Voucher 4
		$ 311,501.64	

OLD BUSINESS

Lake Ontario State Parkway Advisory Committee
LWRP Amendment Committee
Sewer District being formed
Modern Recycling issue
VRBO/Airbnb rental
Solar Projects

PENDING ISSUES

Morton Union Cemetery
Clean Energy Community

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Town of Kendall REDI Wastewater Infrastructure Project		
Project Location (describe, and attach a general location map): Multiple roads located within the Town of Kendall and the Town of Hamlin, Orleans County and Monroe County, (see attached USGS map)		
Brief Description of Proposed Action (include purpose or need): The Town of Kendall is proposing the creation of a sanitary sewer district and developing plans for installation of wastewater infrastructure along the Lake Ontario Shoreline through a portion of the Towns of Kendall and Hamlin. The Town of Kendall will act as Lead Agency and is applying for funding through the NYS Resiliency and Economic Development Initiative (REDI). As currently proposed, the project includes a total of +/-80,000 l.f. of sewer main along the road rights-of-way of Thompson Drive, Frontage Road, Knapp Shore, Edrose Shore, Lomond Shore West, Banner Beach Road, Lakeland Beach Road, Bald Eagle Drive, Norway Heights, Norway Road, and the Cottages at Troutburg in the Town of Kendall and Beachwood Park Road in the Town of Hamlin. Assuming that construction will disturb an area +/- 24 feet in width along the length of the project, the total area affected by the project is +/- 44 acres. The purpose of the project is to replace inadequate or failing septic systems with a state-of-the-art sanitary sewer system in order to improve water quality and to address public health concerns. Inadequate or failing private wastewater systems have resulted in untreated or partially treated sewage reaching the ground surface, and groundwater or surface water bodies, including Lake Ontario and nearby creeks and wetlands. The proposed action also includes execution of a Inter Municipal Agreement between the Town of Kendall, Town of Hamlin, Monroe County, Monroe County Pure Waters, and several other entities.		
Name of Applicant/Sponsor: Town of Kendall	Telephone: 585-659-8201 E-Mail:	
Address: 1873 Kendall Road		
City/PO: Kendall	State: NY	Zip Code: 14476
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

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

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☐Yes☐No		
b. City, Town or Village Planning Board or Commission ☐Yes☐No		
c. City, Town or Village Zoning Board of Appeals ☐Yes☐No		
d. Other local agencies ☐Yes☐No		
e. County agencies ☐Yes☐No		
f. Regional agencies ☐Yes☐No		
g. State agencies ☐Yes☐No		
h. Federal agencies ☐Yes☐No		

See attached table at end of EAF.

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☑Yes☐No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑Yes☐No

iii. Is the project site within a Coastal Erosion Hazard Area? ☑Yes☐No

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

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

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

If Yes, identify the plan(s):
Monroe County Agricultural and Farmland Protection Plan

C.3. Zoning

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

T. Kendall: To be determined
T. Hamlin: SR (Shoreline Residential), R-VL (Residential Very Low Density), WROS (Waterfront Recreational Open Space), C-NB (Commercial Neighborhood Business), R-L (Residential Low Density), R-M (Residential Medium Density), R-H (Residential High Density), C-GB (Commercial General Business)

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

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

C.4. Existing community services.

a. In what school district is the project site located? Kendall Central School District, Hilton Central School District

b. What police or other public protection forces serve the project site?
Orleans County Sheriffs, Monroe County Sheriffs

c. Which fire protection and emergency medical services serve the project site?
Kendall Fire Department, Hamlin Fire Department, Morton Fire District

d. What parks serve the project site?
Orleans County Marine Park, Hamlin Beach State Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Municipal Sanitary Sewer Installation

b. a. Total acreage of the site of the proposed action? +/-44.0 acres
b. Total acreage to be physically disturbed? +/-44.0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? N/A acres

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

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: +/-12 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

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

If Yes, show numbers of units proposed.

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

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

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

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

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

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

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____acres

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

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

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

ix. Summarize site reclamation goals and plan: _____

_____

_____

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

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): The project will potentially involve several crossings of various federal wetlands and creeks. Refer to the attached State and Federal Wetland Maps for details.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
Stream and wetlands crossing methods will be determined during the final design phase following a wetland delineation and consultation with NYSDEC and USACE. Crossings will be accomplished via trench construction or directional drilling methods, whichever is more appropriate for each crossing.

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☑ Yes ☐ No
If Yes, describe: Sewer main may be installed across streams and wetlands via open trench cut construction methods.

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

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

v. Describe any proposed reclamation/mitigation following disturbance: _____
Excavations associated with either directional drilling or trench construction will be filled, regraded, and seeded as soon as possible following construction.

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

i. Total anticipated water usage/demand per day: _____ gallons/day

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

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

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

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

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

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

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

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

i. Total anticipated liquid waste generation per day: _____ gallons/day

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

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

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

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

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

0.0 Square feet or _____ acres (impervious surface)

0.0 Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. N/A

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

Minor amounts of stormwater runoff will be generated during construction of this linear utility corridor and will flow to the ditch within the road ROW and/or to adjacent properties.

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☑Yes ☐No

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

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

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

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

_____

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

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

_____

_____

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

If Yes:

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

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

_____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

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

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

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

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

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

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

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

_____

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

_____

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

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

i. During Construction:

- Monday - Friday: generally 7 am - 5 pm
- Saturday: minimal if any
- Sunday: minimal if any
- Holidays: minimal if any

ii. During Operations:

- Monday - Friday: 24 hours a day
- Saturday: 24 hours a day
- Sunday: 24 hours a day
- Holidays: 24 hours a day

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Construction vehicles and operations will temporarily increase the ambient noise levels. Once construction is complete, there will be no net increase.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe: _____

n. Will the proposed action have outdoor lighting? ☐ Yes ☑ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

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

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

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

If Yes:

i. Product(s) to be stored _____

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

iii. Generally, describe the proposed storage facilities:_____

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

If Yes:

i. Describe proposed treatment(s):

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

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

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

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

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

- Construction: _____
- Operation: _____

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

- Construction: _____
- Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☑ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): Road right-of-way

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: Road right-of-way (some may be vegetated with grass, shrubs, etc.)	+/-44.0	+/-44.0	0

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

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

If Yes,

i. Identify Facilities:

_____

_____

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

If Yes:

i. Dimensions of the dam and impoundment:

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

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

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

If Yes:

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

- If yes, cite sources/documentation: _____

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

_____

_____

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

_____

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

If Yes:

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

_____

_____

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

If Yes:

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

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

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

_____

_____

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

If yes, provide DEC ID number(s): 828063

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

DEC Site #828063 is listed as Duffy-Mott Drums - Cadbury Schweppes, a former wastewater treatment plant for a food processing operation. Various waste drums had leaked on the site, as such, cleanup operations occurred and soil sampling was performed. Contaminated soil was excavated and backfilled with clean soil. The DEC lists the site as "no further action necessary".

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? +/-3.1 feet

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

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

Collamer silt loam	+/-50 %
Niagara silt loam	+/-15 %
	%

d. What is the average depth to the water table on the project site? Average: +/-1.0 feet

e. Drainage status of project site soils:

☑	Well Drained:	+/-10 % of site
☑	Moderately Well Drained:	+/-70 % of site
☑	Poorly Drained	+/-20 % of site

f. Approximate proportion of proposed action site with slopes:

☑	0-10%:	100 % of site
☐	10-15%:	% of site
☐	15% or greater:	% of site

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

h. Surface water features.

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

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

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

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

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

- Streams: Name 847-655, 847-624, 847-652, 847-625, 847-651 Classification C,B
- Lakes or Ponds: Name 847-4 Classification A
- Wetlands: Name Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

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

If yes, name of impaired water body/bodies and basis for listing as impaired: _____
Name: Lake Ontario Shoreline, Western; Pollutants: Algal/Weed Growth, Priority Organics, Pesticides, Nutrients; Uses - Recreation, Fish Consumption, public bathing

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

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

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

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

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:
N/A Road Right-of-way

n. Does the project site contain a designated significant natural community? ☑ Yes ☐ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation):
Sand Beach, Great Lakes Bluff, Great Lakes Dunes

ii. Source(s) of description or evaluation: Per NYSDEC EAF Mapper

iii. Extent of community/habitat:

- Currently: 3.3, 2.67, 33.24 acres
- Following completion of project as proposed: 3.3, 2.67, 33.24 acres
- Gain or loss (indicate + or -): N/A acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☑ Yes ☐ No

If Yes:

i. Species and listing (endangered or threatened):
Lake Sturgeon (state-listed threatened species) and Least Bittern (state-listed threatened species) were flagged by the NYSDEC EAF mapper as being potentially located within the project area. Consultation with NYSDEC is ongoing.

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☑ Yes ☐ No

If Yes:

i. Species and listing:
Red-headed Woodpecker (state-listed species of Special Concern) was flagged by the NYSDEC EAF mapper as being potentially located within the project area. Consultation with NYSDEC is ongoing.

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☑ Yes ☐ No

If yes, give a brief description of how the proposed action may affect that use:
The shoreline area portion of the project could potentially be utilized for fishing.

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

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☑ Yes ☐ No

If Yes, provide county plus district name/number: Orleans County Ag District #1 and Monroe County Ag District #5

b. Are agricultural lands consisting of highly productive soils present? ☑ Yes ☐ No

i. If Yes: acreage(s) on project site? +/-40.0 acres

ii. Source(s) of soil rating(s): NRCS Web Soil Survey

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

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

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

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name:

ii. Basis for designation:

iii. Designating agency and date:

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

If Yes:

Consultation with SHPO is ongoing

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

ii. Name: Several eligible properties flagged including Park Police/Old Farm Complex, Lake Ontairo State Pkwy, Hamlin Beach State Park

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

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

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

If Yes:

Consultation with SHPO is ongoing

i. Describe possible resource(s):

ii. Basis for identification:

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

If Yes:

i. Identify resource: Great Lakes Seaway Trail, Hamlin Beach State Park, Lake Ontario

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): State Scenic Byway, State Park, Great Lake

iii. Distance between project and resource: <0.5 miles.

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

If Yes:

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

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Town of Kendall Town Board Date 01-19-2021

Signature [signature] Title Supervisor

PRINT FORM

Attachment: B. Government Approvals, Funding, or Sponsorship.

Government Entity	Check Yes	Check No	If Yes: Identify Agency and Approval (s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board or Village Board of Trustees	X		•Kendall Town Board – District creation, Construction of Improvements, Inter Municipal Agreement, Local Waterfront Review •Hamlin Town Board – Inter Municipal Agreement, Local Waterfront Review •Kendall Highway Department – ROW Work Permit •Hamlin Highway Department – ROW Work Permit	Pending
b. City, Town or Village Planning Board or Commission		X		Pending
c. City, Town or Village Zoning Board of Appeals		X		Pending
d. Other Local Agencies		X		Pending
e. County Agencies	X		•Monroe County Pure Waters –Inter Municipal Agreement •Monroe County DOH – Project Approval •Monroe County – Inter Municipal Agreement •Orleans County – Project Approval, Inter Municipal Agreement •Orleans County DOH – Project Approval •Monroe County & Orleans County – County Planning Depts. – GML 239 m Referral	Pending
f. Regional Agencies		X		Pending
g. State Agencies	X		•NYSDEC – SPDES, sewer approval (review), wetlands permit (potential) •NYSDOT – highway work permit •OPRHP – SHPO sign-off, easements/ work permit •Dept. of State – Coastal Consistency Review	Pending
h. Federal Agencies	X		•USACE – wetland permit (potential)	Pending

EAF Mapper Summary Report

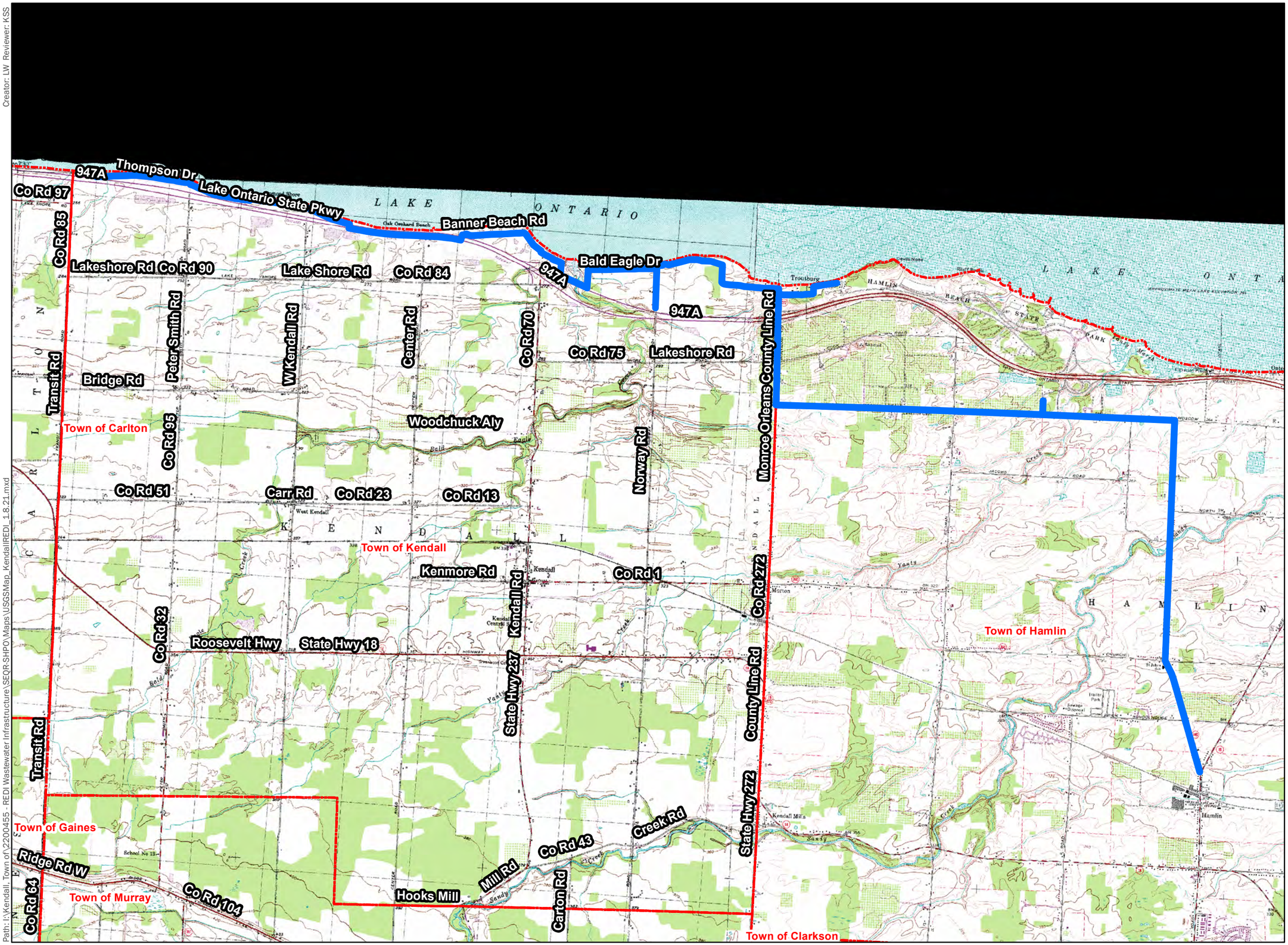
Tuesday, January 12, 2021 11:50 AM

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

B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	828063
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	847-655, 847-624, 847-652, 847-625, 847-651
E.2.h.iv [Surface Water Features - Stream Classification]	C, B
E.2.h.iv [Surface Water Features - Lake/Pond Name]	847-4
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	A

E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Lake Ontario Shoreline, Western – Algal/Weed Growth;Priority Organics;Pesticides;Nutrients – Recreation;Fish Consumption;Public Bathing
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Sand Beach, Great Lakes Bluff, Great Lakes Dunes
E.2.n.i [Natural Communities - Acres]	3.3, 2.67, 33.24
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Lake Sturgeon, Listed Plant – contact NY Natural Heritage, Least Bittern
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	Red-headed Woodpecker
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ORLEcn1, MONRcn5
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:BIN 3317630, Eligible property:PARK POLICE/OLD FARM COMPLEX
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Creator: LW Reviewer: KSS



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LaBella
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TOWN OF KENDALL

REDI WASTEWATER INFRASTRUCTURE

N

0 3,000 6,000 Feet

Legend

- Proposed Sewer Main
- Municipal Boundaries

Sources:
1. USGS Topo Quads: CUGIR
2. Roads: TIGER 2010
3. Municipal Boundaries: NYS GIS Office 2018

LaBella Project No: 2200455
Date: JANUARY 2021

USGS TOPOGRAPHY MAP

KENDALL & HAMLIN QUADS

FIGURE 1 PROJECT LOCATION MAP

Agency Use Only [If applicable]

Project :

Date :

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

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

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

Tips for completing Part 2:

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

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)

☐ NO ☑ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☑	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☑	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☑	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☑	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☑	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☑	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☑	☐
h. Other impacts: _____ _____		☑	☐

2. Impact on Geological Features

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

☑ NO ☐ YES

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

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

3. Impacts on Surface Water

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

☐ NO ☑ YES

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

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

l. Other impacts: _____ _____		☑	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

☑ NO ☐ YES

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

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

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2)

☐ NO ☑ YES

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

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

g. Other impacts: _____ _____		☑	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. ☑ NO ☐ YES
(See Part 1. D.2.f., D.2.h, D.2.g)
If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐ NO ☑ YES
If "Yes", answer questions a - j. If "No", move on to Section 8.

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

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

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☐ NO ☑ YES

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

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

9. Impact on Aesthetic Resources

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

☑ NO ☐ YES

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

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

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

☐ NO ☑ YES

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

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

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

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

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

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

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

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☑ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

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

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☑ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

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

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☑ NO ☐ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

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

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES

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

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

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES
(See Part 1. C.1, C.2. and C.3.)
If "Yes", answer questions a - h. If "No", go to Section 18.

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

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES
(See Part 1. C.2, C.3, D.2, E.3)
If "Yes", answer questions a - g. If "No", proceed to Part 3.

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

PRINT FULL FORM

Agency Use Only [IfApplicable]

Project :

Date :

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

See attached narrative.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

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

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Town of Kendall REDI Wastewater Infrastructure Project

Name of Lead Agency: Town of Kendall

Name of Responsible Officer in Lead Agency: Tony Cammarata

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency: Tony Cammarata Date: 3-16-2021

Signature of Preparer (if different from Responsible Officer) Date:

For Further Information:

Contact Person: Jason Ebbs

Address: 300 State Street, Suite 201, Rochester, NY 14614

Telephone Number: 585-295-6627

E-mail: jebbs@LaBellaPC.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

Part 3: Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

The Town of Kendall is proposing the creation of a sanitary sewer district and developing plans for installation of wastewater infrastructure along the Lake Ontario Shoreline through a portion of the Towns of Kendall and Hamlin. The project will involve the installation of approximately 80,000 linear feet of sewer main along the road rights-of-way and includes execution of an Inter Municipal Agreement between the Town of Kendall, Town of Hamlin, Monroe County, Monroe County Pure Waters, and several other entities.

The Town of Kendall has evaluated the proposed project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). Based upon an assessment of the magnitude and importance of potential impacts, no potentially large environmental impacts have been identified for the proposed action, and it is concluded that the action will not have a significant adverse impact on the environment. The principal impacts are positive in that the project will replace inadequate or failing septic systems with a state-of-the-art sanitary sewer system in order to improve water quality and to address public health concerns. Inadequate or failing private wastewater systems have resulted in untreated or partially treated sewage reaching the ground surface, and groundwater or surface water bodies, including Lake Ontario and nearby creeks and wetlands.

The following information is provided to document issues where potential small impacts have been identified for the proposed action**.**

3.1 Impact on Land

The project involves the installation of approximately 80,000 linear feet of sewer main within the rights-of-way of the affected roadways. Construction will involve the excavation of an approximately 24-foot wide trench, placement of the piping within the trench, restoration of the ground surface, and re-seeding of the vegetation. Excavation will not be extensive and will primarily occur within road rights-of-way and previously disturbed, graded areas. It should be noted that portions of the project area located near a stretch of Lake Ontario State Parkway will potentially be located beyond the road right-of-way, in undeveloped, grassy and forested areas. Should tree removal be required, it will be minimal and the ground surface will be restored and re-seeded within a relatively short amount of time.

The USDA Soil Survey indicates the possibility of encountering a shallow water table along the affected roadways – approximately 62% of the soils in the project area may have water table depths less than 3 feet. The shallow depth to water table may affect construction considerations, and measures will be taken during engineering and design to allow for the safe and appropriate installation of the waterline within soils within a shallow water table. Given the linear nature of the excavation and relatively low magnitude of disturbance that will result, no significant impacts are anticipated on displacement or contamination of groundwater as well as on overall groundwater levels in the project vicinity.

Assuming that construction will disturb an area approximately 24 feet in width along the length of the project, the total acreage affected by the project is approximately 44 acres.

Disturbed areas will be restored to their original condition, and no significant impacts on the surrounding land will occur. The Town of Kendall, as lead agency, will require the contractor to implement erosion control measures as outlined in the "New York Standards and Specifications for Erosion and Sediment Controls" to minimize the impact of the excavation and backfill activities and to avoid sedimentation. A SPDES Permit for general construction activities will be obtained from New York State Department of Environmental Conservation (NYSDEC).

The site of the proposed project is located within a Coastal (Erosion Hazard) Area and in a community with an approved Local Waterfront Revitalization Program (LWRP). In accordance with NYSDOS requirements, the Town of Kendall will submit coastal consistency information to the Department of State in order to ensure that the project is compliant with NYS coastal policies. If federal wetland permit applications are necessary, additional consistency information will be submitted with regard to federal approvals/permits.

It is not anticipated that the proposed action will induce significant new growth nor promote development within the designated coastal or rural/residential areas. The sanitary sewer improvements are designed to serve existing residences and not as a means to stimulate development. Most of the area, particularly along the coastline, is already fully developed. Outside of the coastal area, the Towns of Kendall and Hamlin are predominantly rural and agricultural and are expected to remain so. The Town will use zoning regulations and site plan review procedures to minimize any potential growth-inducing impacts associated with the project.

3.3 Impact on Surface Water

The proposed sewer main installation will involve crossings of various federal and state wetlands and creeks including NYSDEC Class B and C Streams (ID: 847-655, 847-624, 847-652, 847-625, 847-651) and a Class A Pond/Lake (ID: 847-4). Stream and wetlands crossing methods will be determined during the final design phase following a wetland delineation and consultation with NYSDEC and USACE. Any impact to the wetlands will be temporary, and construction will not result in any permanent loss. As such, no significant impacts to wetlands have been identified.

Plans for construction in or near the stream will be evaluated within the framework of NYSDEC and U.S. Army Corps regulations. The crossings will likely involve directional drilling construction methods, although open cut trench construction will be considered where appropriate. Trench construction involves excavation of a trench, placement of the piping within the trench, restoration of the ground surface, and re-seeding of vegetation. Excavation will not be extensive and will primarily occur within the road right-of-way and previously disturbed and graded areas. Directional drilling will be utilized as an installation technique for the majority of the project area, which will avoid any impacts to the bed, banks, and bottom sediments of these waterbodies. In limited cases, open cut construction may be undertaken as an alternate installation technique for portions of the project along Moscow Road. For all portions of the sewer main, whether installed by trench construction or directional drilling, the appropriate permits and clearances will be secured from NYSDEC and the Army Corps of Engineers. As such, no significant impacts to streams or wetland areas are expected.

3.4 Impact on Groundwater

No significant adverse impacts on groundwater have been identified. Several communities along the southern Lake Ontario shoreline have faced challenges due to elevated water levels. Specifically, high water levels in Lake Ontario have resulted in reduced functionality or septic systems in these areas. As a result of poorly functioning and/or failing septic systems, public health risk has increased, as groundwater and surface water sources used for potable water consumption, agriculture, and recreation could be contaminated with untreated sewage. Additionally, individual properties subject to flooding can also be at risk of damage from septic system inundation and backups. The impact of the proposed project on groundwater is positive, as it will disconnect properties from the septic systems in affected areas, and reconnect properties to new public infrastructure including sewers and treatment facilities to reduce nutrient loading and pollution to receiving bodies including local groundwater and Lake Ontario.

3.5 Impact on Flooding

According to the FEMA Flood Zone Map based upon data published by the Federal Emergency Management Agency (FEMA) for the Towns of Kendall and Hamlin, 100-year floodplains are associated with portions of the Lake Ontario shoreline and Bald Eagle Creek and its tributaries in Kendall, NY. The project area crosses the 100-year floodplains along portions of S Lakeland Beach Road.

Construction will involve excavation of a trench, placement of the piping within the trench, restoration of the ground surface, and re-seeding of vegetation. Excavation for sewer main installation will not be extensive, and the ground surface will be restored within a relatively short time. Moreover, as the sewer main will be installed below ground, it will not impede floodwater flows or affect surface drainage patterns. No significant physical impacts on floodplain resources have been identified.

The required local floodplain approvals for sewer main installation will be obtained from the Towns of Kendall and Hamlin as necessary. Erosion control measures as outlined in the "New York Standards and Specifications for Erosion and Sediment Controls" will be implemented to prevent sedimentation.

3.7 Impact on Plants and Animals

No significant adverse impacts on plants and animals have been identified. The specific project area, which consists primarily of road right-of-way, does not contain important or unique wildlife habitat areas.

Review of the EAF Mapper Application (http://www.dec.ny.gov/eafmapper/) provided by NYSDEC indicates that the project area does contain known

- significant natural communities,
- State-listed or Federally-listed threatened or endangered species,
- rare species, or
- species of special concern.

Three designated significant natural communities including Sand Beach (+/-3.3 acres), Great Lakes Bluff (+/- 2.67 acres), and Great Lakes Dunes (+/-33.24 acres) are located within the vicinity of the project site. However, the proposed action of installing the sewer main in the road right-of-way will not significantly impact designated significant natural communities, as construction will occur generally in areas that were previously disturbed during road construction. In addition, portions of the project area located near a stretch of Lake Ontario State Parkway in the Town of Kendall will potentially be located beyond the road right-of-way, in undeveloped, grassy and forested areas. Should tree removal be required, the ground surface will be restored and re-seeded within a relatively short amount of time. Significant habitat areas are not commonly found in the areas that receive regular vehicular traffic. Once the sewer main is installed, the land will be restored and re-seeded and will eventually return to its pre-construction condition.

Additional review of the NYSDEC Environmental Resource Mapper indicates that the project site falls within a Rare Plants and Rare Animals layer. Specifically, the Red-headed Woodpecker, a state-listed species of Special Concern, was flagged by the NYSDEC EAF Mapper as being potentially located within the project area. Furthermore, the project area potentially contains Lake Sturgeon and Least Bittern, state-listed threatened species. The project was submitted to the NSYDEC Natural Heritage program on February 26, 2021, with a request for information on the presence of threatened or endangered species in the site vicinity. As of the date of this Part 3 EAF Narrative submission, no response has been received from the NYSDEC Natural Heritage Program. No significant impacts have been identified to the species identified by NYSDEC Natural Heritage (Red-headed Woodpecker, Lake Sturgeon or Least Bittern). It is important to note, that unlike other construction projects, the proposed action does not involve the permanent development of land nor any loss of aquatic or wetland habitat. The only potential impacts associated with the proposed action are confined to the construction period. Ground disturbance will occur within the road right-of-way and previously disturbed and graded areas, and excavation will not be extensive. Areas affected by construction will be graded and re-seeded as quickly as possible in order to preserve the habitat value of surrounding areas.

Moreover, it is not anticipated that the proposed action will induce significant new growth nor promote development within the designated sensitive wildlife habitat areas. The sanitary sewer improvements are designed to serve existing residences and not as a means to stimulate development. Most of the area, particularly along the coastline, is already fully developed. Outside of the coastal area, the Towns of Kendall and Hamlin are predominantly rural and agricultural and are expected to remain so. The Towns will use zoning regulations and site plan review procedures to minimize any potential growth-inducing impacts associated with the project.

3.8 Impact on Agricultural Resources

Portions of the project area are included in Orleans County Agricultural District No. 1 and Monroe County Agricultural District No. 5. Several parcels within the proposed project area are in active agricultural use and located within the Agricultural District.

The predominant soil types along the proposed route include Collamer silt loam and Niagara silt loam. The majority of the route, approximately 70% of the project area, contains soil types that are indicated to be moderately well drained. Sewer main construction would

affect soils in soil groups 1 through 4 of the NYS Land Classification System. It is estimated that about 90% of the total length of sewer main to be installed will be constructed within soils with a classification of 1 through 4.

The preparation of a Notice of Intent (NOI) is underway with the New York State Department of Agriculture and Markets, in accordance with the provisions of Article 25 AA, Section 305.4 of the State Agriculture & Markets Law. Upon receipt, the Department of Agriculture & Markets will accept the NOI as complete and initiate a 45-day review period. The Town will continue to coordinate with the Department of Agriculture and Markets until the Section 305.4 process is complete.

Short-term effects on agricultural resources primarily involve construction-related impacts associated with excavation of a trench to contain the sewer main. Such ground disturbance could potentially disrupt drainage or tile lines within an agricultural field. However, it is not expected that construction will exert significant physical impacts on agricultural resources, as it will primarily occur within the road right-of-way. Standard construction practices will be used to minimize ground disturbance, erosion, and drainage problems that may result during and after construction until ground cover is established. In order to minimize the direct impact of construction on agricultural lands, the Town will require the contractor to comply with specific construction requirements established by the Department of Agriculture and Markets. The Town will restore any drainage or tile lines disturbed as a result of the construction project to existing conditions as closely as possible.

Minimal long-term impacts on agricultural resources are anticipated as a result of the proposed project. The project may temporarily impact access to farmland properties that fall within the project area and road right-of-way due to construction activities, however, the project will not involve the removal of farmland from production as a result of the sanitary sewer installation.

The Towns will use zoning regulations and site plan review procedures to minimize the potential impacts of the project on agricultural land resources. As previously described, the project has been proposed to solve serious public health and safety concerns that face residents of this mixed coastal and rural area and not as a means to stimulate new growth. The Towns are primarily rural-residential and agricultural in nature. The proposed sewer system improvement project will not reverse recent development trends and will not alter the character of the community.

The Town Boards of the Towns of Kendall and Hamlin will consider a “hook-up” restriction resolution to limit the conversion of farmland to non-farm uses within the water district, if such an action is recommended by the Department of Agriculture and Markets. The hook-up restriction resolution would limit the connections to the public water system to agricultural uses and existing non-farm uses. As a result, no large or significant agricultural impacts have been identified at this time.

3.10 Impact on Historic and Archaeological Resources

The project site is located within an area considered archeologically sensitive, and within communities that include properties determined by the State Historic Preservation Office (SHPO) to be eligible for listing on the State Register of Historic Places. The project was

submitted to SHPO for review on January 22, 2021. Additional information was requested from SHPO on February 8 and 19th, 2021. Consultation with SHPO is ongoing and the Towns of Kendall and Hamlin will continue to work with SHPO until a determination of no effect is received for the project. As a result, no significant impacts on this historic resource will occur.

At a meeting of the Town Board of the Town of Kendall held on the 16th day of March 2021, at the Town Hall in said Town, Councilwoman Flow made a motion for the adoption of the following resolution, which was seconded by Councilwoman Szozda:

RESOLUTION 47- 0321 TOWN OF KENDALL REDI WASTEWATER INFRASTRUCTURE PROJECT SEQRA RESOLUTION – NEGATIVE DECLARATION

WHEREAS,

1) In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Kendall announced its intent to serve as Lead Agency on January 19, 2021, to conduct an environmental review of public wastewater infrastructure improvements within the Towns of Kendall and Hamlin. The project will involve the replacement of inadequate or failing septic systems with public sanitary sewer infrastructure. The purpose of the project is to improve water quality and address public health concerns that have resulted from untreated or partially treated sewage reaching the ground surface, groundwater, or surface water bodies like Lake Ontario, nearby creeks, and wetlands.

2) The Town Board has determined that the proposed action is a Type I action as defined under SEQR, as portions of the project are located in Orleans County and Monroe County Agricultural Districts.

3) The Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.

4) On January 25, 2021, the Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the full Environmental Assessment Form. None of the Involved Agencies objected to the Kendall Town Board serving as Lead Agency for this project. The Town will obtain all necessary permits and approvals from Involved Agencies and will comply with agency requirements.

5) The Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Town Board of the Town of Kendall declares that it is serving as Lead Agency for the wastewater infrastructure improvements proposed in the Towns of Kendall and Hamlin; and,

The Town Board declares that, based on the Environmental Record which has been prepared, the project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this project, and the Town Supervisor is hereby authorized and directed to prepare and issue, on behalf of the Town, the Negative Declaration in the Part 3 of the Environmental Assessment Form.

Upon being put to a vote, the resolution was passed, with all votes – Flow, Szozda, and Cammarata, being aye, with Newell and Martin absent.

STATE OF NEW YORK:
COUNTY OF ORLEANS: ss:
TOWN OF KENDALL:

I, Amy Richardson, Town Clerk of the Town of Kendall, County of Orleans and State of New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Kendall on the 16th day of March 2021, with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Date: March 18, 2021

Amy K Richardson

Amy Richardson, Town Clerk

EXHIBIT 6

SHPO CONSULTATION

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

ARCHAEOLOGY COMMENTS

Phase IA Archaeological Survey Recommendation in Anticipation of Buried Utility Project
Project: Kendall REDI Wastewater Infrastructure Installation Project
PR#: 21PR00547
Date: February 8, 2021

Portions of the proposed project are located in environmentally and archaeologically sensitive areas for archaeological cultural resources. Therefore, the State Historic Preservation Office/Office of Parks, Recreation, and Historic Preservation (SHPO/OPRHP) recommends that a Phase IA Literature Search and Sensitivity Assessment survey is warranted. A Phase IA archaeological survey is designed to identify previously recorded archaeological sites and other cultural resources within or near the project area, to assess the archaeological sensitivity of the project area, to document previous ground disturbance, and to make recommendations regarding the potential need for Phase IB subsurface archaeological testing.

Phase IB archaeological surveys are not recommended for those portions of the project route that are located between the edge of the pavement and the far edge of an existing excavated ditch or existing utility lines, with the exceptions of alluvial settings and portions of the project route that are within the bounds of known archaeological sites. In the latter settings, Phase IB testing may be recommended for those portions of the route that fall under pavement or between the edge of the pavement and the far edge of an excavated ditch.

Phase IB archaeological survey will be recommended for all portions of the project route that do not fall between the edge of the pavement and the far edge of an existing excavated ditch or existing utility lines. Our office does not conduct archaeological surveys. A 36 CFR 61 qualified archaeologist should be retained to conduct the Phase IA/IB survey.

For any cemeteries located within or immediately adjacent to your project area, such as the historic Lakeside Cemetery, the SHPO/OPRHP recommends avoidance either using directional drilling to install the line or by shifting the line to the opposite side of the road in the location of the cemetery. If avoidance is not possible, the SHPO/OPRHP recommends mechanical soil stripping prior to construction to look for burial shafts. The Phase IA/IB Report should include a discussion noting either that there are no cemeteries within the project area or discussing the steps taken to avoid impacts to cemeteries.

Please also be aware that a Section 233 permit from the New York State Education Department (SED) may be necessary before archaeological fieldwork is conducted on State-owned land. If any portion of the project includes the lands of New York State, you should contact the SED before initiating survey activities. The SED contact is Christina Rieth and she can be reached at (518) 402-5975 or christina.rieth@nysed.gov. Section 233 permits are not required for projects on private lands.

Additionally, potential environmental impacts to New York State Parkland that may be involved in or near your project must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

If you have any questions concerning archaeology, please contact Josalyn Ferguson at Josalyn.Ferguson@parks.ny.gov.

NEW YORK STATE OF OPPORTUNITY. Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

February 19, 2021

Alexandra Vitulano
LaBella Associates DPC
300 State Street, Suite 201
Rochester, NY 14614

Re: USACE
Kendall REDI Wastewater Infrastructure Installation Project
Thompson Dr, Frontage Rd, Knapp Shore, Edrose Shore, Lomond Shore West, Banner Beach Rd, Lakeland Beach Rd, Bald Eagle Dr, Norway Heights, Norway Rd, & the Cottages at Troutburg, Town of Kendell and, Beachwood Park Rd, Town of Hamlin, Orleans County
21PR00547

Dear Alexandra Vitulano:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

We note that the proposed project is within the Lake Ontario State Parkway, which is eligible for listing in the State and National Registers of Historic Places under Criterion A, as the only state parkway built in the Genesee Valley and Criterion C, as a designed historic landscape. We further note that the parkway retains a high degree of integrity. We have reviewed the submission received on January 27, 2021, including the Project Location Map dated January 2021. In order to continue our review, we request the following additional information:

1. Please provide a complete scope of work and drawings detailing the location of the proposed sanitary sewer district and its potential to impact the eligible Parkway.
2. Please submit clear color photos illustrating all areas to be affected by the proposed work. Photos of the general project area should be accompanied by detailed images where work is proposed, particularly when a potentially historic feature is planned for replacement or alteration. Please be sure to label and key the photos to the site or building plan indicating the location and direction of each image. If submitting a large number of photos, we recommend combining them into a single document (PDF format) before uploading.
3. We note that our Archaeology Unit has also requested additional information. Please see Josalyn Ferguson's request and respond via the response wheel in our CRIS system.
4. Please submit the name and complete contact information of your contact at the involved agency, so we can ensure they receive our letters.

We would appreciate additional submissions be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/SHPO/online-tools/. To submit, log into CRIS as a guest, choose “submit” at the very top of the menu. Go to “Other Options” and choose “submit new information for an existing project.”

If you have any questions, I can be reached at 518-268-2170.

Sincerely,

Robyn Sedgwick
Historic Site Restoration Coordinator
e-mail: robyn.sedgwick@parks.ny.gov

via e-mail only

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

May 27, 2022

Alexandra Vitulano
LaBella Associates DPC
300 State Street, Suite 201
Rochester, NY 14614

Re: USACE
Kendall REDI Wastewater Infrastructure Installation Project
Thompson Dr, Frontage Rd, Knapp Shore, Edrose Shore, Lomond Shore West, Banner Beach Rd, Lakeland Beach Rd, Bald Eagle Dr, Norway Heights, Norway Rd, & the Cottages at Troutburg, Town of Kendell and Beachwood Park Rd, Town of Hamlin, Orleans County, NY
21PR00547

Dear Alexandra Vitulano:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

SHPO has reviewed the Phase IA Archaeological Survey Report entitled “Phase IA Background Research and Sensitivity Assessment for the Proposed Kendall Redi Wastewater Infrastructure Project, Town of Kendall, Orleans County, Town of Hamlin, Monroe County, New York” prepared by Deuel Archaeology & CRM (May 2022; 22SR00280). SHPO concurs with the report recommendations that a Phase IB Archaeological Survey is warranted, and we support the Phase IB testing strategy outlined in the report.

If you have any questions, I can be reached at Jessica.Schreyer@parks.ny.gov.

Sincerely,

Jessica E. Schreyer

Jessica Schreyer
Scientist Archaeology

EXHIBIT 7

WETLAND AND STREAM DELINEATION REPORT & SITE PHOTOS

WETLAND AND STREAM DELINEATION REPORT

REDI Wastewater Infrastructure
Towns of Kendall and Hamlin, Orleans and Monroe Counties, NY
LaBella Project No. 2200455

Prepared For:	Town of Kendall 1873 Kendall Road Kendall, New York 14476 Anthony Cammarata; Supervisor (585) 659-8201 supervisor@townofkendall.com
Prepared By:	LaBella Associates, D.P.C. 300 State Street, Suite 201 Rochester, New York 14614
Date:	August 2023

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1.0 INTRODUCTION

1.1 PROJECT DESCRIPTION

The Town of Kendall (Client) retained LaBella Associates, D.P.C. (LaBella) to perform a wetland and stream delineation for the REDI Wastewater Infrastructure Project. For the purposes of the wetland and stream delineation, the Study Area is defined as an approximately 101-acre area consisting of utility right-of-way (ROW) in the Towns of Kendall and Hamlin, in Orleans and Monroe Counties, New York. Please refer to Appendix A, Figure 1 for the Study Area location and boundary. The geographic coordinates of the approximate Study Area center are: 43.354931, -77.995306 (NAD83). Wetland and stream delineation field work was performed from June 1 thru 12, 2023.

1.2 PURPOSE

This report was prepared for the purpose of obtaining concurrence from the United States Army Corps of Engineers (USACE)–Buffalo District and the New York State Department of Environmental Conservation (NYSDEC) Region 8 on jurisdictional wetland and stream boundaries within the Study Area, in support of the Project. Specific tasks performed for this report include a field delineation of Federal Waters of the United States (WOUS) encompassing wetlands and streams, New York State Article 24 Freshwater Wetlands (State wetlands), and Article 15 State-classified Streams within the Study Area, a survey of jurisdictional water boundaries, and a detailed description of the delineated waters based on hydrology, vegetation, and soils information collected in the field.

This report describes the results of the delineation and data collection efforts performed by LaBella, and a description of the wetlands and streams that were delineated. This document is intended to provide the information required to support a Jurisdictional Determination with the USACE-Buffalo District, a NYSDEC Article 24 Freshwater Wetlands Determination, or a Joint Permit Application if regulatory permit authorizations are required.

2.0 METHODOLOGY

2.1 RESOURCES

Materials and literature supporting this investigation are derived from a number of sources, including: United States Geological Survey (USGS) 7.5-minute Topographic Quadrangles; United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Orleans and Monroe Counties, New York Soil Survey (USDA-NRCS, 1977 and 1973, respectively); USDA-NRCS Soil Map Unit shapefiles; USDA-NRCS Field Indicators of Hydric Soils in the United States (USDA-NRCS, 2018); Munsell Soil Color Charts (Kollmorgen Corporation, 1988); Federal Emergency Management Agency (FEMA) digital Flood Hazard data; United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) shapefiles; NYSDEC Freshwater Wetland shapefiles; NYSDEC Environmental Resource Mapper (NYSDEC, 2019); and NYSDEC Stream Classification shapefiles. Vascular plant names follow nomenclature found in the USDA PLANTS database (USDA, 2021). Wetland indicator status for vegetative species was determined by reference to the National Wetland Plant List (Lichvar et al., 2020). Jurisdictional features are characterized according to the NWI mapped wetlands and deepwater habitat classification system (Cowardin, 1979).

2.2 JURISDICTIONAL AREA DELINEATION

LaBella field staff performed the wetland and stream delineation within the Study Area on From June 1-12, 2023, in accordance with the methods presented in the *1987 Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987), as supplemented by the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0* (USACE, 2012).

Wetland and stream boundaries were defined in the field with sequentially-numbered pink surveyor's flagging or pink pin flags. Each flag location was digitally recorded using a sub-foot Global Positioning System unit. Data and observations were collected from both wetland and upland data points within the Study Area. These data points were recorded on routine USACE Wetland Determination Data Forms (Appendix B).

Representative photographs were taken of the data point locations, delineated wetlands, and streams within the Study Area (Appendix C).

The USACE has jurisdiction of WOUS under section 404 of the Clean Water Act (CWA) (40 Code of Federal Regulations [CFR] 230) (CFR, 2010). The USACE also has jurisdiction over traditionally navigable WOUS under Section 10 of the Rivers and Harbors Act (33 CFR 323; Section 10 Rivers and Harbors Act [33 United States Code] 403).

The Freshwater Wetlands Act (FWA) (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law [ECL]) gives the NYSDEC jurisdiction over State wetlands and a 100-foot adjacent area. Article 24 of the FWA requires the NYSDEC to map all State-protected wetlands (generally 12.4 acres or greater) to allow landowners and other interested parties a means to determine where State jurisdictional wetlands exist.

Under Article 15 of the ECL (Protection of Waters), the NYSDEC has jurisdiction over any activity that disturbs the bed or banks of protected streams or navigable waters. A protected stream is any stream, or particular portion of a stream, that has been assigned by the NYSDEC any of the following classifications or standards: AA, AA(t), A, A(t), A(ts), B, B(t), B(ts), C(t), or C(ts) (608.2 (aa) and NYCRR and 6 NYCRR Part 701). Additional NYSDEC stream classifications include C and D.

3.0 PHYSICAL CHARACTERISTICS AND RESOURCES

3.1 PHYSIOGRAPHY

The Project is located in the Lake State Fruit, Truck Crop, and Dairy Land Resource Region (LRR L), Ontario-Erie Plain and Finger Lakes Region Major Land Resource Area (MLRA 101). The Study Area topography consists of generally level utility ROW. Land cover within the Study Area consists of forests, grassland areas, and mowed lawns. Elevations within the Study Area range from approximately 245 feet above mean sea level (AMSL) to approximately 330 feet AMSL.

3.2 SOILS

The Soil Surveys of Orleans and Monroe Counties, New York and NRCS Web Soil Survey indicates there are 41 soil map units within the Project Study Area, as outlined in Table 1.

Table 1. Soil Map units within the Study Area

NRCS Soil Map Unit	Map Unit Symbol	Drainage Class	Hydric Soil?	Hydric Rating (%)
Alluvial land	Al	Poorly drained	Yes	65
Alton gravelly sandy loam, 3 to 8 percent slopes	AlB	Well drained	No	0
Alton gravelly sandy loam, 0 to 3 percent slopes	AnA	Well drained	No	0
Alton gravelly sandy loam, 3 to 8 percent slopes	AnB	Somewhat excessively drained	No	0
Appleton loam, 0 to 3 percent slopes	ApA	Somewhat poorly drained	Yes	4
Canandaigua silt loam	Ca	Very poorly drained	Yes	95
Cut and fill land	CF	Well drained	Yes	5
Claverack loamy fine sand, 0 to 2 percent slopes	CkA	Moderately well drained	No	0
Collamer silt loam, 0 to 2 percent slopes	ClA	Moderately well drained	No	0
Collamer silt loam, 2 to 6 percent slopes	ClB	Moderately well drained	No	0
Collamer silt loam, 6 to 12 percent slopes	ClC	Moderately well drained	No	0
Collamer silt loam, loamy subsoil variant, 0 to 2 percent slopes	CmA	Moderately well drained	No	0
Collamer silt loam, loamy subsoil variant, 2 to 6 percent slopes	CmB	Moderately well drained	No	0
Collamer silt loam, 6 to 12 percent slopes, severely eroded	CmC3	Moderately well drained	No	0
Colonie loamy fine sand, 0 to 6 percent slopes	CoB	Well drained	No	0
Dunkirk silt loam, 2 to 6 percent slopes	DuB	Well drained	No	0
Eel silt loam	Ee	Moderately well drained	Yes	5
Elnora loamy fine sand, 2 to 6 percent slopes	ElB	Moderately well drained	No	0
Fluvaquents and Humaquepts, ponded	FH	Very poorly drained	Yes	100
Galen very fine sandy loam, 0 to 2 percent slopes	GaA	Moderately well drained	No	0
Galen very fine sandy loam, 2 to 6 percent slopes	GaB	Moderately well drained	No	0
Hamlin silt loam	Hc	Well drained	No	0

NRCS Soil Map Unit	Map Unit Symbol	Drainage Class	Hydric Soil?	Hydric Rating (%)
Hilton loam, 0 to 3 percent slopes	HlA	Moderately well drained	No	0
Hilton loam, 3 to 8 percent slopes	HlB	Moderately well drained	No	0
Made land	Mb	Moderately well drained	Yes	5
Minoa very fine sandy loam	Mn	Somewhat poorly drained	Yes	4
Niagara silt loam	Ng	Somewhat poorly drained	Yes	4
Niagara silt loam, 0 to 2 percent slopes	NgA	Somewhat poorly drained	Yes	5
Niagara silt loam, 2 to 6 percent slopes	NgB	Somewhat poorly drained	Yes	5
Niagara silt loam, loamy subsoil variant	Nr	Somewhat poorly drained	Yes	5
Odessa silt loam, 0 to 3 percent slopes	OdA	Somewhat poorly drained	Yes	5
Odessa silt loam, 3 to 8 percent slopes	OdB	Somewhat poorly drained	Yes	4
Ontario loam, 3 to 8 percent slopes	OnB	Well drained	No	0
Ovid silt loam, 0 to 3 percent slopes	OvA	Somewhat poorly drained	Yes	8
Phelps gravelly fine sandy loam, 0 to 3 percent slopes	PhA	Moderately well drained	Yes	5
Schoharie silty clay loam, 6 to 12 percent slopes	ShC3	Moderately well drained	No	0
Schoharie silty clay loam, 12 to 20 percent slopes, eroded	ShD3	Well drained	No	0
Udifluvents, frequently flooded	UD	Well drained	Yes	15
Water	W	N/A	No	0
Wayland soils complex, 0 to 3 percent slopes, frequently flooded	Wg	Poorly drained	Yes	90
Wayland soils complex, 0 to 3 percent slopes, frequently flooded	Wy	Poorly drained	Yes	90

Source: USDA, NRCS, 1977 and 1973; Soil Survey Staff, 2019

The Hydric Soil ratings outlined in Table 1 and the Web Soil Survey map provided in Appendix D, indicate there are 19 soil map units containing hydric components. Hydric soils within the Study Area range from 4-100 percent hydric components. The majority of hydric soils are considered to be at least somewhat poorly drained.

3.3 HYDROLOGY

The Study Area is located in the Oak Orchard-Twelvemile watershed (USGS Hydrologic Unit Code 04130001).

The source of surface hydrology for the Study Area is precipitation and surface water runoff from adjacent hillsides. Groundwater is also a source of hydrology in some of the wetland areas on-site. The nearby Town of Brockport receives an average of 33.04 inches of precipitation annually (NRCC, 2020).

4.0 AGENCY RESOURCES

4.1 USFWS NATIONAL WETLAND INVENTORY

USFWS NWI mapping indicates there are 28 NWI-mapped wetlands within the Study Area (refer to Appendix A, Figure 2), as outlined in Table 2.

Table 2. USFWS-NWI Mapped Wetlands within the Study Area

NWI Wetland Code	Classification Code description	Delineated Wetland
R5UBH (4)	Riverine, Unknown Perennial, Unconsolidated Bottom, Permanently Flooded	Stream 1, Stream 12
R2UBH (2)	Riverine, Lower Perennial, Unconsolidated Bottom, Permanently Flooded	Stream 18, Stream 23
R4SBC (6)	Riverine, Intermittent, Streambed, Seasonally Flooded	Stream 1, Stream 6, Stream 13, Stream 25, Wetland 3, Wetland 10
R4SBCx (7)	Riverine, Intermittent, Streambed, Seasonally Flooded, Excavated	Stream 5, Stream 15, Stream 16, Stream 17, Stream 19, Stream 20, Stream 21, Stream 24
R4SBA (3)	Riverine, Intermittent, Streambed, Temporarily Flooded	Stream 14
R4SBAx	Riverine, Intermittent, Streambed, Temporarily Flooded, Excavated	Stream 7
PUBHx (2)	Palustrine, Unconsolidated Bottom, Permanently Flooded, Excavated	Stream 27
PEM1C	Palustrine, Emergent, Persistent, Seasonally Flooded	Wetland 6
PSS1A (2)	Palustrine, Scrub-Shrub, Broad-Leaved Deciduous, Temporarily Flooded	Wetland 6

4.2 NYSDEC FRESHWATER WETLANDS AND PROTECTED STREAMS

NYSDEC freshwater wetland mapping indicates that there are no State-mapped wetlands within the Study Area (refer to Appendix A, Figure 3).

According to NYSDEC stream classification mapping there are 17 State-classified streams within the Study Area (refer to Appendix A, Figure 3), as outlined in Table 3.

Table 3. NYSDEC Classified Streams within the Study Area

Stream Name	Stream Classification	Delineated Stream
Unnamed tributary to Lake Ontario- 847-655 (8)	C	Stream 1, Stream 3, Stream 5, Stream 12, Stream 13, Wetland 10
Bald Eagle Creek - 847-655	C	Stream 27
Unnamed tributary to Lake Ontario - 847-652 (2)	B	Stream 15, Stream 16
Yanty Creek – 847-652	B	Stream 18
Unnamed streams - 847-651 (2)	B	Stream 19, Stream 20
Sandy Creek 847-625)	C	Stream 23
Unnamed streams - 847-624 (2)	C	Stream 24, Stream 25

4.3 FEMA 100-YEAR FLOOD ZONES

As a portion of the Study Area runs parallel to the coast of Ontario Lake, 100-year FEMA flood zones enter the Study Area many times along this coastline. A 100-year flood zone associated with Yanty Creek additionally crosses the Study Area near Priem Road (refer to Appendix A, Figure 4).

5.0 RESULTS

LaBella field staff delineated eight palustrine emergent (PEM), one palustrine forested (PFO), and four palustrine scrub-shrub (PSS) wetlands, as well as four perennial, 17 intermittent, four ephemeral, and one mixed ephemeral/intermittent streams. In addition, one intermittent and three ephemeral ditches, as well as two drainage swales were delineated within the Study Area (See Appendix A, Figure 5 and 6). Tables 4 and 5 provide areas and classifications of the delineated wetlands. The remainder of the Study Area is considered to be upland ROW. These upland habitats lack wetland hydrology, hydrophytic vegetation and/or hydric soils.

Table 4. Delineated Wetlands

Wetland ID	Cowardin Classification	Acreage On-site	Latitude, Longitude (NAD83)	Jurisdiction
Wetland 1	PEM	0.001	43.371291, -78.073634	USACE (PJD)
Wetland 3	PSS	0.14	43.369439, -78.063641	
Wetland 4	PEM	0.002	43.369303, -78.056121	
Wetland 5	PSS	0.04	43.369469, -78.047388	
Wetland 6	PEM	0.01	43.36435, -78.028135	
Wetland 7	PSS	0.07	43.366102, -78.022604	
Wetland 8	PFO	0.01	43.367636, -78.009807	
Wetland 9	PSS	0.15	43.367505, -78.006061	
Wetland 10	PEM	0.003	43.363977, -77.99348	
Wetland 11	PEM	0.51	43.362386, -77.995238	
Wetland 12	PEM	0.03	43.34002, -77.927976	USACE (PJD)
Wetland 13	PEM	0.004	43.323513, -77.927739	USACE (PJD)
Wetland 14	PEM	0.01	43.318839, -77.926608	

Table 5. Delineated Streams

Stream ID	Flow Regime/ Stream Order	NYSDEC Class/ Regulation	Stream Length/ Width in Study Area (LF)	Stream Bed Substrate	Latitude, Longitude (NAD83)	Jurisdiction
Stream 1	Intermittent	C	50/3-5	Cobble	43.374858, -78.108752	USACE (PJD)
Stream 2	Intermittent	Unclassified	20/5	Silt	43.37489, -78.100562	USACE (PJD)
Stream 3	Intermittent	C	20/6	Silt	43.374576, -78.097243	USACE (PJD)
Stream 4	Intermittent	Unclassified	30/8	Gravel & silt	43.373837, -78.09406	USACE (PJD)
Stream 5	Intermittent	C	5/10	Silt	43.369962, -78.069276	USACE (PJD)

Stream ID	Flow Regime/ Stream Order	NYSDEC Class/ Regulation	Stream Length/ Width in Study Area (LF)	Stream Bed Substrate	Latitude, Longitude (NAD83)	Jurisdiction
Stream 7	Intermittent	Unclassified	5/3	Silt	43.369293, -78.059157	USACE (PJD)
Stream 8	Intermittent	Unclassified	10/4	Silt	43.369282, -78.051692	USACE (PJD)
Stream 9	Intermittent	Unclassified	45/4	Silt	43.369433, -78.049403	USACE (PJD)
Stream 10	Ephemeral	Unclassified	15/1	Silt	43.369608, -78.047573	USACE (PJD)
Stream 11	Intermittent	Unclassified	30/4	Silt	43.369806, -78.038728	USACE (PJD)
	Ephemeral	Unclassified	15/2	Silt	43.369875, -78.041169	USACE (PJD)
Stream 12	Perennial	C	50/12	Silt	43.367193, -78.034081	USACE (PJD)
Stream 13	Intermittent	C	55/12	Silt	43.364589, -77.996871	USACE (PJD)
Stream 14	Ephemeral	Unclassified	35/2	Silt	43.350371, -77.99031	USACE (PJD)
Stream 15	Intermittent	B	50/6	Silt	43.35042, -77.962829	NYSDEC/ USACE (PJD)
Stream 16	Intermittent	B	0.25/3	Silt	43.3505, -77.956792	NYSDEC/ USACE (PJD)
Stream 17	Ephemeral	Unclassified	70/3	Silt	43.3505, -77.949355	USACE (PJD)
Stream 18	Perennial	B	50/15	Silt	43.350471, -77.946286	NYSDEC/ USACE (PJD)
Stream 19	Intermittent	B	50/3	Silt	43.350456, -77.936862	NYSDEC/ USACE (PJD)
Stream 20	Intermittent	B	55/4	Silt	43.350438, -77.93325	NYSDEC/ USACE (PJD)
Stream 21	Intermittent	Unclassified	185/2	Silt	43.349964, -77.927813	USACE (PJD)
Stream 22	Ephemeral	Unclassified	140/2	Silt	43.343081, -77.927778	USACE (PJD)
Stream 23	Perennial	C	125/30	Silt	43.335167, -77.927984	USACE (PJD)

Stream ID	Flow Regime/ Stream Order	NYSDEC Class/ Regulation	Stream Length/ Width in Study Area (LF)	Stream Bed Substrate	Latitude, Longitude (NAD83)	Jurisdiction
Stream 24	Intermittent	C	65/4	Silt	43.324174, -77.927727	USACE (PJD)
Stream 25	Intermittent	C	50/4	Silt	43.315603, -77.92486	USACE (PJD)
Stream 26	Intermittent	Unclassified	50/3	Silt	43.307619, -77.921511	USACE (PJD)
Stream 27	Perennial	C	50/30	Silt	43.36444, -78.029795	NYSDEC/ USACE (PJD)
Ditch 1	Intermittent	Unclassified	15/3	Cobble, rip rap	43.364617, -78.030554	USACE (PJD)
Ditch 2	Ephemeral	Unclassified	715/1	Silt	43.365877, -78.027618	USACE (PJD)
Ditch 3	Ephemeral	Unclassified	215/1	Silt	43.324127, -77.927727	USACE (PJD)
Ditch 4	Ephemeral	Unclassified	390/1	Silt	43.324061, -77.927957	USACE (PJD)
Swale 2	--	Unclassified	1,075/2	Silt	43.369332, -78.05183	USACE (PJD)
Swale 3	--	Unclassified	75/3	Silt	43.369505, -78.049213	USACE (PJD)

5.1 UPLANDS

Dominant vegetation in upland areas includes white ash (*Fraxinus americana*), Norway maple (*Acer platanoides*), Morrow's honeysuckle (*Lonicera morrowii*), multiflora rose (*Rosa multiflora*), wild privet (*Ligustrum vulgare*), Kentucky bluegrass (*Poa pratensis*), sweet vernal grass (*Anthoxanthum odoratum*), Canada goldenrod (*Solidago canadensis*), red fescue (*Festuca rubra*), and summer grape (*Vitis aestivalis*). Data Forms, provided in Appendix B, summarize the observed conditions used to characterize all uplands and wetlands within the Study Area.

5.2 WETLANDS

5.2.1 PEM Wetlands

There are eight emergent wetlands within the Study Area (Wetlands 1, 4, 6, and 10-14) ranging from 0.001 to 0.51 acres. These PEM communities consist mostly of either small, pocket wetlands, or larger wetlands that exist mostly offsite, with only a small portion of the wetlands present within the Study Area ROW. The various hydrologic indicators for these wetlands include standing water, saturated soils,

microtopography, water-stained leaves, drainage patterns, a sparsely vegetated concave surface, geomorphic position, saturation visible on aerial imagery, and the presence of a shallow water table.

Vegetation in these emergent communities is dominated by soft rush (*Juncus effusus*), fox sedge (*Carex vulpinoidea*), Virginia wild rye (*Elymus virginicus*), reed canary grass (*Phalaris arundinacea*), red osier dogwood (*Cornus sericea*), common reed (*Phragmites australis*), and narrow-leaf cattail (*Typha angustifolia*). Soils in these wetlands are mucky loamy clays with prominent redox concentrations and hydric soil indicators such as a depleted matrix and depleted below dark surface.

5.2.2 PSS Wetlands

Four wetlands (Wetlands 3, 5, 7, and 9) within the Study Area consist solely of PSS communities. These wetlands are interspersed throughout the Study Area and range from 0.04 to 0.15 acres in size on-site. Hydrologic indicators for these wetlands include a sparsely vegetated concave surface, microtopography, water-stained leaves, saturation visible on aerial imagery, geomorphic position, and a FAC-neutral test.

Dominant vegetation in these scrub-shrub wetland communities includes green ash (*Fraxinus pennsylvanica*), bitternut hickory (*Carya cordiformis*), nannyberry (*Viburnum lentago*), silky dogwood (*Cornus amomum*), Morrow's honeysuckle, multiflora rose, creeping jenny (*Lysimachia nummularia*), panicled aster (*Symphyotrichum lanceolatum*), hairy willowherb (*Epilobium hirsutum*), Kentucky bluegrass, sensitive fern (*Onoclea sensibilis*), and jewelweed (*Impatiens capensis*). Soils in these wetlands are primarily loamy clays with prominent redox concentrations and a depleted matrix.

5.2.3 PFO Wetlands

Wetland 8 is the only wetland onsite that consists entirely of PFO community. Wetland 8 totals 0.01 acres in the central portion of the Study Area and included water-stained leaves, geomorphic position, and a FAC-neutral test as hydrologic indicators. Dominant vegetation includes black willow (*Salix nigra*), weeping willow (*Salix babylonica*), and red osier dogwood. Soils within Wetland 8 were loamy clays with prominent redox concentrations and redox dark surface.

5.3 STREAMS

5.3.1 Perennial Streams

Four streams (Streams 12, 18, 23, and 27) are perennial streams located within the Study Area. Stream 12 is an unnamed tributary to Lake Ontario, located near the north-central portion of the Study Area that flows north into the lake. Stream 27 is a perennial stream associated with Bald Eagle Creek nearby to Stream 12, and Stream 18 is associated with Yanty Creek, which is located towards the northeast portion of the Study Area. Stream 23 is the last perennial stream within the Study Area, associated with Sandy Creek, which flows northeast towards Lake Ontario. These streams total 275 linear feet within the Study Area and range in width from 12 to 30 feet. Streambed substrates for these perennial streams are comprised mainly of silt.

5.3.2 Intermittent Streams

A total of 17 intermittent-flow streams (Streams 1-9, 13, 15, 16, 19-21, and 24-26) are located throughout the Study Area, and flow north towards Lake Ontario. These streams flow for approximately 742 linear feet within the Study Area, and range in width from 2 to 12 feet. The streambed substrate

consists primarily of silt, with the occasional presence of cobble and gravel. One intermittent ditch (Ditch 1) is present on the north-central portion of the Study Area, and flows west for approximately 15 linear feet. This ditch is 3 feet wide and has a substrate of cobble and rip rap. Stream 11 flows through the study area in two locations. The upstream location is ephemeral, and the downstream section is intermittent. Stream 11 receives drainage from adjacent land and potentially off-site wetland, contributing to the change in flow regime as it reenters the study area.

5.3.3 Ephemeral Streams/Ditches

Four ephemeral streams (Streams 10, 14, 17, and 22) are located throughout the Study Area footprint. These ephemeral streams total 260 linear feet within the Study Area and range in width from 1 to 3 feet. Three ephemeral ditches (Ditches 2-4) are also present within the Study Area. These ditches average 1-foot wide and run for a total of 1,320 feet within the Study Area. Streambed substrates for these streams and ditches are comprised primarily of silt.

5.3.4 Stormwater Swales

Two ephemeral stormwater swales (Swales 2 and 3) are present within the Study Area, totaling approximately 1,150 linear feet and ranging from 2 to 3 feet in width. These features are primarily present within constructed road ROWs with the function of directing stormwater runoff. Substrates for these drainage features are generally comprised of silt.

6.0 CONCLUSIONS

LaBella field staff delineated eight PEM, one PFO, and four PSS wetlands, as well as four perennial, 17 intermittent, four ephemeral, and one mixed ephemeral/intermittent streams. In addition, one intermittent and three ephemeral ditches, as well as two ephemeral drainage swales were delineated within the Study Area. The wetlands were identified based on the observed presence of hydrophytic vegetation, hydric soils, and wetland hydrology indicators. The streams were identified by the presence of a continuous bed and bank, an ordinary high-water mark (OHWM), or evidence of channelized flow. The primary functions of the wetlands on site include water retention, wildlife habitat, and nutrient and sediment filtering.

Project-related filling or disturbances within the delineated boundaries of wetlands, streams, or other features on site (as approved by the USACE) may require Federal CWA Section 404 authorization through the USACE. We request a Preliminary Jurisdictional Determination from the USACE. If needed, an Approved Jurisdictional Determination can be requested. Fill or disturbance authorizations may be obtained through the Joint Permit Application process. The final jurisdictional status and boundaries of wetlands and streams are subject to final determination by the USACE-Buffalo District and the NYSDEC-Region 8.

The USACE announced on June 27, 2023 that they are interpreting WOUS consistent with the Supreme Court's decision in the case Sackett v. Environmental Protection Agency (EPA). The EPA and USACE intend to issue a final rule by September 1, 2023.

7.0 SIGNATURE OF WETLAND PROFESSIONALS

We appreciate the opportunity to serve your professional environmental needs. If you have any questions, please do not hesitate to contact Dustin Bradley at 716-867-1810.

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Dustin Bradley
Wetland Ecologist

Report Prepared By:

Nicole Stephan
Environmental Scientist

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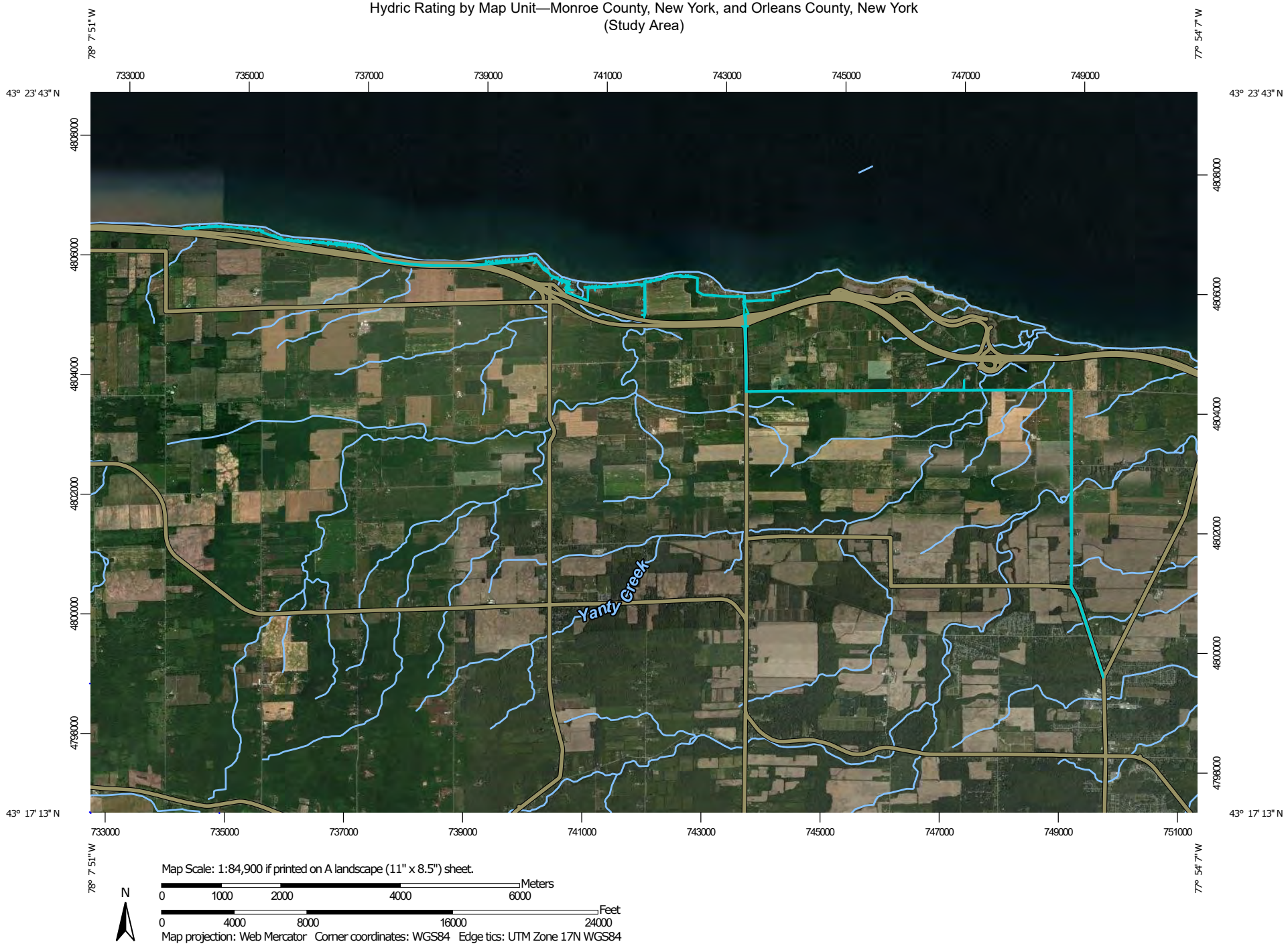
APPENDIX D

Hydric Soil Map

Hydric Rating by Map Unit—Monroe County, New York, and Orleans County, New York
(Study Area)



MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Soil Rating Lines
- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Soil Rating Points
- Hydric (100%)
- Hydric (66 to 99%)
- Hydric (33 to 65%)
- Hydric (1 to 32%)
- Not Hydric (0%)
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Monroe County, New York
Survey Area Data: Version 21, Sep 10, 2022

Soil Survey Area: Orleans County, New York
Survey Area Data: Version 19, Sep 10, 2022

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Jun 8, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydric Rating by Map Unit

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Al	Alluvial land	65	0.1	0.1%
AnA	Alton gravelly sandy loam, 0 to 3 percent slopes	0	0.3	0.3%
AnB	Alton gravelly sandy loam, 3 to 8 percent slopes	0	1.7	1.7%
ApA	Appleton loam, 0 to 3 percent slopes	4	2.3	2.3%
Ca	Canandaigua silt loam	95	0.1	0.1%
CkA	Claverack loamy fine sand, 0 to 2 percent slopes	0	0.9	0.9%
ClA	Collamer silt loam, 0 to 2 percent slopes	0	0.6	0.6%
ClB	Collamer silt loam, 2 to 6 percent slopes	0	9.1	9.0%
ClC	Collamer silt loam, 6 to 12 percent slopes	0	0.3	0.3%
CmA	Collamer silt loam, loamy subsoil variant, 0 to 2 percent slopes	0	5.1	5.1%
CmB	Collamer silt loam, loamy subsoil variant, 2 to 6 percent slopes	0	3.6	3.6%
CoB	Colonie loamy fine sand, 0 to 6 percent slopes	0	2.0	2.0%
DuB	Dunkirk silt loam, 2 to 6 percent slopes	0	0.0	0.0%
Ee	Eel silt loam	5	0.2	0.2%
ElB	Elnora loamy fine sand, 2 to 6 percent slopes	0	0.9	0.9%
GaA	Galen very fine sandy loam, 0 to 2 percent slopes	0	1.2	1.2%
GaB	Galen very fine sandy loam, 2 to 6 percent slopes	0	3.1	3.0%
Hc	Hamlin silt loam	0	0.9	0.9%
HlA	Hilton loam, 0 to 3 percent slopes	0	5.3	5.3%
HlB	Hilton loam, 3 to 8 percent slopes	0	5.1	5.1%

EXHIBIT 8

NYSDEC FORMS

NEW YORK STATE OF OPPORTUNITY. | **Department of Environmental Conservation**

PERMISSION TO INSPECT PROPERTY

By signing this permission form for submission with an application for a permit(s) to the Department of Environmental Conservation ("DEC"), the signer consents to inspection by DEC staff of the project site or facility for which a permit is sought and, to the extent necessary, areas adjacent to the project site or facility. This consent allows DEC staff to enter upon and pass through such property in order to inspect the project site or facility, without prior notice, between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. If DEC staff should wish to conduct an inspection at any other times, DEC staff will so notify the applicant and will obtain a separate consent for such an inspection.

Inspections may take place as part of the application review prior to a decision to grant or deny the permit(s) sought. By signing this consent form, the signer agrees that this consent remains in effect as long as the application is pending, and is effective regardless of whether the signer, applicant or an agent is present at the time of the inspection. In the event that the project site or facility is posted with any form of "posted" or "keep out" notices, or fenced in with an unlocked gate, this permission authorizes DEC staff to disregard such notices or unlocked gates at the time of inspection.

The signer further agrees that during an inspection, DEC staff may, among other things, take measurements, may analyze physical characteristics of the site including, but not limited to, soils and vegetation (taking samples for analysis), and may make drawings and take photographs.

Failure to grant consent for an inspection is grounds for, and may result in, denial of the permit(s) sought by the application.

Permission is granted for inspection of property located at the following address(es):

ROW along Kendall REDI Wastewater Infrastructure Project
Thompson Drive to Lake Road West Parkway

*By signing this form, I affirm under penalty of perjury that I am authorized to give consent to entry by DEC staff as described above. I understand that false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.**

Anthony Cammarata - Supervisor		10-23-2023
Print Name and Title	Signature	Date

*The signer of this form must be an individual or authorized representative of a legal entity that:

- owns fee title and is in possession of the property identified above;
- maintains possessory interest in the property through a lease, rental agreement or other legally binding agreement; or
- is provided permission to act on behalf of an individual or legal entity possessing fee title or other possessory interest in the property for the purpose of consenting to inspection of such property.

EXHIBIT 9

FRAC-OUT PLAN

HDD INADVERTENT RELEASE PLAN

HDD Proposed for All Streams and Wetlands
NYSDEC Application ID: #
Town of Kendall
Kendall REDI Wastewater Infrastructure Project
Towns of Kendall and Hamlin
Orleans and Monroe Counties, NY

INTRODUCTION AND PURPOSE

Horizontal directional drilling (HDD) is a pipeline installation method typically used to avoid disturbance of sensitive surface features, including water bodies and wetlands. The HDD procedure uses a Bentonite slurry (clay-water mixture) as a drilling lubricant. Bentonite is non-toxic; however, there is potential for inadvertent drilling fluid to be released to the surface. The condition where drilling mud is released through fractured subsurface soil and travels toward the surface is called frac-out. An inadvertent release will require mitigation measures to reduce the impact to a water body or sensitive area. The Frac-Out Contingency Plan (FCP) establishes operational procedures, prevention, containment, and clean-up of frac-outs associated with the proposed directional drill project.

Objectives of the Plan:

1. Minimize potential for drilling fluids to reach the surface;
2. Provide methods for early detection of seepage of drilling fluid from borehole toward the surface ("frac-out");
3. Provide guidance on how to protect sensitive riverbeds and vegetation from frac-out;
4. Ensure an organized, timely, and "minimum-impact" response in the event of a frac-out and release of drilling mud;
5. Provide guidance on who should be notified in the event that a frac-out occurs.

DESCRIPTION OF WORK / DRILLING PROCEDURE

Before any drilling operations begin, all applicable erosion and sedimentation controls included in the Storm Water Pollution Prevention Plan (SWPPP) will be properly installed per the included drawings and specifications and inspected by the Construction Supervisor and Environmental Inspector. The EM&CS&P, state and federal permit(s), landowner use/restriction permissions, and any other applicable documents must be carefully reviewed before any disturbance occurs.

The areas that present the highest potential for drilling fluid seepage are the drill entry and exit points where the overburden depth is minimal. At the entry and exit points, a pit will be constructed to collect and provide temporary storage for the drilling fluid seepage until it can be removed. These pits will be sized adequately to accommodate the maximum volume of drilling fluid that may need to be contained in the pits. Secondary containment of the pits will contain any seepage and minimize any migration of the mud from the work area. This containment system may consist of straw bales and silt fencing around the pit.

To determine if an inadvertent release of drilling fluid has occurred, horizontal directional drilling activities will constantly be monitored by the contractor and the Environmental Inspector.

The monitoring procedures will include:

- Inspection along the drill path,
- Continuous examination of drilling mud pressures and returns flows,
- Periodic documentation of status of conditions during drilling activities, and
- The contractor will address an inadvertent return immediately upon discovery.

SITE SUPERVISOR / FOREMAN RESPONSIBILITIES

The Site Supervisor/Foremen shall be familiar with all aspects of the drilling activity, the contents of this Drilling Fluids Management / Spill Prevention Plan and the conditions of approval under which the activity is permitted to take place. The Site Supervisor/Foremen will insure that workers are properly trained and familiar with the necessary procedures for response to a frac-out, prior to initiation of drilling operations and has the authority to stop work and commit the resources (personnel and equipment) necessary to implement this plan. Foreman will ensure that workers are properly trained and familiar with the necessary procedures for response to a frac-out, prior to initiation of drilling operations.

The foreman shall hold a meeting at the beginning of each day when drilling is performed to discuss procedures to be followed in the event of a frac-out. The contractor will provide the anticipated schedule of HDD operations around protected streams, rivers and wetlands (non-road, structure or railroad bores) to the site inspector responsible for environmental compliance monitoring prior to commencement of work and will be responsible for reporting the event to the NYSDEC Spill Hotline at 1-800-457-7362.

EQUIPMENT

The items listed below are types of equipment recommended for use in containing an inadvertent frac-out. Additionally, for all projects, the Material Safety Data Sheet for the fluid being used must be on site at all times.

- Vacuum Truck
- Track Excavators
- Leak free portable pumps
- Sandbags
- Plastic Sheeting
- 55 Gal. drums with bottoms cut out
- Hay Bales
- Spill Kits
- Leak free hoses
- Filter Sock
- Silt Fence

VAC-TRUCK

A vacuum truck shall be present at the site during drilling operations and shall be staged at a location such that the truck can be mobilized to anywhere along the pipe length within 10 minutes.

RESPONSE TO FRAC-OUT WITH NO IMMEDIATE THREAT TO SENSITIVE RESOURCES

The New York State Department of Environmental conservation (DEC) and/or US Army Corps of Engineers (ACE) will be notified promptly when a frac-out is detected during drilling under their corresponding wetlands or protected streams. In the event of a frac-out that poses no immediate threat to sensitive resources, the following measures shall be followed:

- Drilling activities shall be immediately suspended.
- The bore stem shall be retracted enough to relieve pressure within the bore hole.
- The project Foreman shall be notified of the release and they shall then notify the Rochester Gas and Electric Corporation (RG&E) Project Manager, Construction Supervisor and Environmental Inspector.
- Foreman, Construction Supervisor and Environmental Inspector shall perform an evaluation of the situation and determine whether the release warrants notification of the New York State Department of Environmental Conservation (NYSDEC) and DPS.
- A leak stopping compound shall be used when only a minor frac-out condition is present.
- If use of the leak stopping compound is unsuccessful, the bore shall be relocated to a new location in an attempt to avoid whatever soil condition allowed for initial frac-out.
- Any drilling fluid that reaches the surface shall be either removed by hand or contained within a berm constructed around the frac-out location. All fluids shall be collected and disposed of as required by applicable laws.
- In the event of a wide-spread release of drilling fluid to the surface, the Foreman shall use onsite equipment to contain the fluid and the onsite vac-truck to remove the fluid from the surface.

RESPONSE TO FRAC-OUT WITH THREAT TO SENSITIVE RESOURCES

If an inadvertent frac-out with the potential to impact sensitive areas occurs, contractor will immediately cease operations and contact RG&E Project Manager, Construction Supervisor and Environmental Inspector. The New York State Department of Environmental Conservation (NEC) and/or US Army Corps of Engineers (ACE) will be promptly notified when a frac-out is detected during drilling under their corresponding wetlands or protected streams. The RG&E Project Manager will notify the appropriate DPS Staff if conditions warrant. If directed by NYSDEC, drilling operations will be further reduced or suspended to assess the extent of the release and to implement corrective actions. Drilling will resume after NYSDEC's assessment of the situation.

If public health and safety are threatened, drilling fluid circulation pumps will be turned off. This measure will be taken as a last resort because of the potential for drill hole collapse resulting from loss of down-hole pressure.

After a drilling fluid seepage has been contained, the contractor will make every effort to determine the cause of the seepage. After the cause has been determined, measures will be implemented to control the

factors causing the seepage and to minimize the chance ofrecurrence.

For either water body or upland returns, the contractor, in conjunction with the Construction Supervisor and Environmental Inspector, drill operator, etc., will attempt to adjust the drilling technique or composition of drilling fluid and implement any modifications to minimize or prevent further releases of drilling mud. This may include:

- Thickening of mud by increasing bentonite content
- Changing the drilling rate
- Changing the fluid pumping rate
- Attempting a deeper directional drill

Developing the corrective measure will be a joint effort of the Construction Supervisor, Environmental Inspector, DPS Staff, NYSDEC, and the contractor and will be site and problem specific. In some cases, the corrective measure may involve a determination that the existing hole encountered a void, which may be bypassed with a slight change in the profile. In other cases, it may be determined that the existing hole encountered a zone of unsatisfactory soil material and the hole may have to be abandoned. If abandoned, the hole will be filled with cuttings and drilling fluid.

Containment equipment and materials, including lumber for temporary shoring, sandbags, portable pumps, hand tools, silt fence, and hay bales, etc., will be stored on-site. The drilling contractor will also have heavy equipment such as track excavators that can be utilized to control and clean up drilling fluid seepage. Equipment associated with fluid removal shall be of enough quality (i.e., pump capacity, hose condition) and quantity (i.e. hose length, number of pumps), to efficiently manage any returns associated with the project.

RESPONSE CLOSE-OUT PROCEDURES

In-Stream Locations

- The HDD has been designed to minimize the potential for frac-out in streams and rivers. However, if an inadvertent frac-out is observed, the following measures will be implemented:

- Temporarily suspend forward progress and notify the Construction supervisor and Environmental Inspector. The Environmental Inspector will monitor the extent of the frac-out slurry plume.

- Notify the DEC as soon as practicable after a frac-out event in a state protected stream. The DEC shall be notified within two (2) hours of the Frac-Out event as is possible (e.g., there is cell phone service) and it does not interfere with response activities.

- Initiate containment measures and recovery of the frac-out slurry as appropriate. Containment is not always feasible for in-stream frac-outs. However, conditions will be assessed as to whether hand-placed containment, recovery or other measures, such as silt curtains and turbidity barriers, would be effective and beneficial at the specific frac-out location.

- Evaluate the current drill profile (e.g., drill pressures, pump volume rates, drilling mud consistency) to identify means to prevent further frac-out events. Drilling operations will be suspended if the release poses a threat to human health and safety or the environment.

- If the fracture is mitigated and controlled, forward progress of the drilling may resume.

Site-specific clean up measures will be developed by the Environmental Inspector and the Foreman following a frac-out, in consultation with RG&E and the NYSDEC where practicable. The following clean up measures are considered appropriate.

- Drilling mud will be cleaned up by hand using hand shovels, buckets and soft bristled brooms as possible without causing damage to existing vegetation. Fresh water washes will be employed if deemed beneficial and feasible.
- Containment structures will be pumped out and the ground surface scraped to bare topsoil without causing undue loss of topsoil or ancillary damage to existing and adjacent vegetation. Material will be collected in containers for temporary storage prior to removal from the site.

Following the complete cleanup of a frac-out event, the following close-out activities will be performed under the direction of the Foreman.

1. Recovered fluids will be recycled or disposed of at an approved waste management facility.
2. Any excavations created to contain/mitigate a frac-out condition will be returned to pre-construction conditions.
3. At the direction of the foreman, all spill control measures will be removed and disposed in an appropriate manner.

CONSTRUCTION RE-START

In the event that only small volumes of drilling fluids are released to the surface and containment of the leak is fully contained and mitigated through the use of bore redirection and clean-up measures stated above, drilling may continue.

BORE ABANDONMENT

The borehole will be abandoned only if all measures used to control frac-out are unsuccessful.

NOTIFICATION

The RG&E Project Manager, Construction Supervisor, and Environmental Inspector shall be notified if a frac-out event occurs. The RG&E Project Manager will notify the appropriate DPS Staff. The Contractor will be responsible for reporting the event to the NYSDEC Spill Hotline at 1-800-457-7362.

All agency notifications will occur within 24 hours and proper documentation will be accomplished in a timely and complete manner. The following information will be provided:

1. Name and telephone number of person reporting;
2. Location of the release;
3. Date and time of release;
4. Type and quantity, estimated size of release;
5. How the release occurred;
6. The type of activity that was occurring around the area of the frac-out;
7. Description of any sensitive areas, and their location in relation to the frac-out;

8. Description of the methods used to clean up or secure the site; and
9. Listing of the current permits obtained for the project.

Notification of a frac-out event and proper documentation will be sent to:

Elaina Burns
DEC Bureau of Ecosystem Health, Region 8
6274 East Avon-Lima Road, Avon, NY 14414
(585) 226-5352
elaina.burns@dec.ny.gov

PROJECT COMPLETION AND CLEAN-UP

All waste generated as a result of work performed at the site shall be removed each day and disposed of properly.

DOCUMENTATION

The Construction Supervisor and Environmental Inspector will record the frac-out event in his/her daily log. The log will include the following: details of the frac-out incident, location and time of the frac-out, the size of the impacted area, notifications made, summary of the response and the success of the clean-up action.

NYSDEC Contact: Spill Hotline 1-800-457-7362

EXHIBIT 10

NYSDOS FEDERAL CONSISTENCY ASSESSMENT FORM

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name: Town of Kendall; Anthony Cammarata

2. Address: 1873 Kendall Road, Kendall, 14476

3. Telephone: Area Code (5[illegible]) 659-8721

B. PROPOSED ACTIVITY

1. Brief description of activity:

Approximately 17 miles of underground sanitary sewer installation in the Town of Kendall to the Town of Hamlin.

2. Purpose of activity:

Bring coastal septic systems to a public sanitary sewer system.

3. Location of activity:

Orleans	Kendall	
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required:

5. Federal application number, if known:

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following:	YES	NO
a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)	☐	☒
b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)	☐	☒
c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)	☐	☒
d. Reduction of existing or potential public access to or along coastal waters? (19, 20)	☐	☒
e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10)	☐	☒
f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)	☐	☒
g. Siting of a facility essential to the generation or transmission of energy? (27)	☐	☒
h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)	☐	☒
i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)	☐	☒
j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)	☐	☒
k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)	☐	☒
l. Adverse effect upon land or water uses within the State's small harbors? (4)	☐	☒

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following:	YES	NO
a. State designated freshwater or tidal wetland? (44)	☐	☒
b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17,)	☒	☐
c. State designated significant fish and/or wildlife habitat? (7)	☐	☒
d. State designated significant scenic resource or area? (24)	☐	☒
e. State designated important agricultural lands? (26)	☐	☒
f. Beach, dune or barrier island? (12)	☐	☒
g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)	☐	☒
h. State, county, or local park? (19, 20)	☐	☒
i. Historic resource listed on the National or State Register of Historic Places? (23)	☐	☒

3. Will the proposed activity require any of the following:	YES	NO
a. Waterfront site? (2, 21, 22)	☐	☒
b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)	☐	☒
c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)	☐	☒
d. State water quality permit or certification? (30, 38, 40)	☐	☒
e. State air quality permit or certification? (41, 43)	☐	☒

4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document)	YES	NO
	☒	☐

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Dustin Bradley (Agent)

Address: 300 State Street - Suite 201, Rochester, NY 14614

Telephone: Area Code (716) 867-1810

Applicant/Agent's Signature: Dustin Bradley Date: 10/20/2023

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review Unit, 1 Commerce Plaza, 99 Washington Avenue - Suite 1010, Albany, New York 12231.**

a. Copy of original signed form.
b. Copy of the completed federal agency application.
c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.