

Development Clerk

From: Robinson, Judy A LRB <Judy.A.Robinson@usace.army.mil>
Sent: Tuesday, October 11, 2016 6:46 PM
To: devclerk@townofcanandaigua.org
Subject: request for review - Daniel Bennett for muller

Your request for review:

The USACE would not review the site plan - I see that a wetland delineation was conducted which indicates that there are wetlands on the site. However, it is not known if the applicant has submitted the delineation to the Corps for their review. This review can take a fair amount of time and may require a site visit to confirm wetland boundaries. I do not know if this has been done. There is no file for Daniel Bennett or Diane, Eileen or Grace Muller in our database. It could be that the project has another name, but that is not shown on the request that you sent. We would not review the delineation or make a site visit unless requested by the applicant. Ultimately, a letter and documentation for the jurisdictional determination would be generated by the Corps.

The reports (as well as any permit applications requesting authorization to impact wetlands, streams, etc.) are sent to Buffalo where they are logged into the data base and subsequently assigned to project managers by the Chief or Team Leader.

As I indicated, sending a request to review wit does not follow Department of the Army protocol. Further, our legal timelines will not likely coincide with your request. A Department of the Army permit application (joint application with the DEC) would have to be submitted for any proposed impacts to aquatic resources. Even if DEC does not regulate the resource, a Water Quality Certification from that agency would be required because it would be tied to the federal permit.

It could be that they are proposing to avoid all aquatic resources, in which case, a DA permit would not be required. However, I cannot find that the wetland boundaries have been confirmed and no Jurisdictional Determination has been issued. As I indicated above, in order to generate a letter from the Corps, the applicant or his agent (TES) (not the Town) must submit the report for review. Whomever is assigned the file will determine if a site visit is required and would be the person to coordination with the biologists for that site visit. Depending on the weather and the project manager's work load, this can take a fair amount of time.

So, the only answer that can be provided is that the report shows wetlands on the property. I cannot find in our records that the delineation report has been submitted for review. Boundaries have not been confirmed. A Jurisdictional Determination has not been issued. We would not do a site plan review unless/until a permit application is submitted.

Judy Robinson.

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