

April 23, 2014 Responses of BME Associates
to NYSDEC's April 8, 2014 letter regarding
SEQRA and Lead Agency coordination

April 23, 2014

Mr. Adam Cummings, PE
Barton & Loguidice PC
11 Centre Park
Rochester, New York 14614

**Re: Proposed Wilmot Casino & Resort
Lead Agency Coordination Request
Response to Comments**

2392

Dear Adam:

We have prepared responses to Thomas Haley's (NYSDEC) letter to Virginia Robbins Esq., dated April 8, 2014, regarding the above-referenced proposed project:

NYS Regulated Freshwater Wetlands: The Department has not confirmed the delineated NYS wetland boundaries shown on the March 2014 dated plans drawn by BME Engineers. The Department will need to confirm these wetland boundaries prior to making a final Article 24 jurisdictional determination but based on the plans and delineated boundary it would appear that the proposed design fully avoids any direct impacts to the NYS regulated wetland and wetland adjacent area.

The proposed development as stated in the comment fully avoids NYS wetlands and its 100 ft. adjacent areas. The majority of the project is located in open farmfield areas.

Federal Wetlands: If the applicant has not already done so, we would strongly encourage you to obtain a jurisdictional determination from the US Army Corps of Engineers confirming the location and size of the delineated federally jurisdictional wetlands. Depending on the level of impact to the federally regulated wetlands, the applicant may be required to obtain a 401 Water Quality Certification from the New York State Department of Environmental Conservation.

The federal wetlands were delineated using the 1987 Wetland Delineation Manual and the 2010 Northeast Supplement revised in 2012. The Water Quality Certification is not needed since the federal wetlands will not be disturbed. The proposed layout was designed to fully avoid them.

Stormwater: The proposed project will require coverage under the Department's State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). If any other Uniform Procedures Act permits are required

from the Department, a copy of the Stormwater Pollution Prevention Plan will likely be required as part of a complete UPA permit application.

We do not expect that other UPA permits will be required. The Stormwater Pollution Prevention Plan has been prepared according to the NYSDEC guidelines.

Endangered & Threatened Species: No New York State listed species are known to utilize this parcel or immediate area. The Department recommends the applicant consult with the US Fish & Wildlife Service regarding potential impacts to federally protected species.

The New York State Heritage Program doesn't indicate any endangered and threatened species within the area of the site. The site survey also did not reveal any rare species or important habitats.

Please feel free to contact our office with any comments or questions you may have in this regard.

Thank you.

Sincerely,
BME ASSOCIATES



Michael A. Simon

MAS

c: Ron McGreevy, Supervisor; Town of Tyre
Virginia Robbins, Esq.; Bond Schoeneck and King
Juris Basens; Whitetail 414, LLC
Shawn Griffin, Esq.; Harris Beach