



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

July 23, 2019

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination for Department of the Army Application No. LRB-2018-01088

Kimberly Hausen
Trinitas Ventures
201 Main Street, Suite 1000
Lafayette, Indiana 47901

Dear Ms. Hansen:

I have reviewed the wetland delineation map you submitted for your request for a wetland boundary verification, located near the corner of Dryden Road and Mount Pleasant Road at Latitude 42.4542, Longitude -76.4367, in the Town of Dryden, Tompkins County, New York.

I have evaluated your submitted wetland delineation map and have determined that the wetland and water boundaries shown on the map accurately represent on-site conditions. Please note that this is a Preliminary Jurisdictional Determination (JD). Preliminary JDs are non-binding written indications that there may be waters of the United States (WOUS) on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 16-01, any permit application made in reliance on this Preliminary JD will be evaluated as though all wetlands or waters on the site are regulated by the Corps. Further, all waters, including wetlands will be used for purposes of assessing the area of project related impacts and compensatory mitigation. If you require a definitive response regarding Department of the Army jurisdiction for any or all of the waters identified on the submitted drawings, you may request an approved jurisdictional determination (AJD) from this office. If an AJD is requested, please be aware that this is often a lengthy process and we may require the submittal of additional information.

I have enclosed the Preliminary JD Form with this letter. The form and attached table identifies the extent of waters on the site and specific terms and conditions of the Preliminary JD. Please sign and return a copy of this form to my attention. If you do not respond within 15 days, we will presume concurrence and no additional follow up is necessary prior to finalizing an action.

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do

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not have expirations dates.” However, I strongly recommend that the boundaries of all aquatic resources on the parcel be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Lastly, this determination has been conducted only to identify the limits of waters that may be subject to Corps Clean Water Act or Rivers and Harbors Act jurisdiction. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

A copy of this correspondence has been forwarded to Bernard Carr from Terrestrial Environmental Specialists, Inc. as the point of contact for the delineation.

Questions pertaining to this matter should be directed to me at 716-879-6328, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: michael.p.uitvlugt@usace.army.mil

Sincerely,



Michael P. Uitvlugt
Biologist

Enclosures

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: July 23, 2019

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: Kimberly Hausen, Trinitas Ventures, 201 Main Street, Suite 1000, Lafayette, IN 47901

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Buffalo District, Trinitas Development LLC, LRB-2018-01088

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)**

State: New York County: Tompkins City: Dryden

Center coordinates of site (lat/long in degree decimal format):

Lat.: 42.4542 Long.: -76.4367

Name of nearest waterbody: Fall Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: July 23, 2019

Field Determination. Date(s): September 14, 2018

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Stream A	42.453512	-76.435845	340 linear feet 0.06 acres	Non-wetland	Section 404
Stream C	42.453215	-76.437329	230 linear feet 0.03 acres	Non-wetland	Section 404
Wetland B	42.453647	-76.436711	0.15 acres	Wetland	Section 404
Pond D	42.453477	-76.437103	0.36 acres	Non-wetland	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Maps, plans and delineation submitted by Terrestrial Environmental Specialists.
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report. Rationale: _____.
- Data sheets prepared by the Corps: _____.
- Corps navigable waters' study: _____.
- U.S. Geological Survey Hydrologic Atlas: HUC: 04140201
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Ithaca East 1:24K
- Natural Resources Conservation Service Soil Survey. Citation: NRCS online soil mapper, accessed 7/23/2019.
- National wetlands inventory map(s). Cite name: Online NWI mapper, accessed 7/23/2019.
- State/local wetland inventory map(s): New York State online waters mapper, accessed 7/23/2019
- FEMA/FIRM maps: _____
- 100-year Floodplain Elevation is: __. (National Geodetic Vertical Datum of 1929)
- Photographs:
 - Aerial (Name & Date): Google Earth Pro 9/24/2016; 5/5/2013; 5/26/2011.
 - Other (Name & Date): Photos provided in delineation 5/7/2018.
- Previous determination(s). File no. and date of response letter: _____.
- Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.



Michael P. Uitvlugt
Biologist

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



Approximate Site Location



0 200
Feet
1 inch = 200 feet

Aerial Photograph Obtained from NYS GIS Clearinghouse 2015

Figure Prepared by Terrestrial Environmental Specialists, Inc.

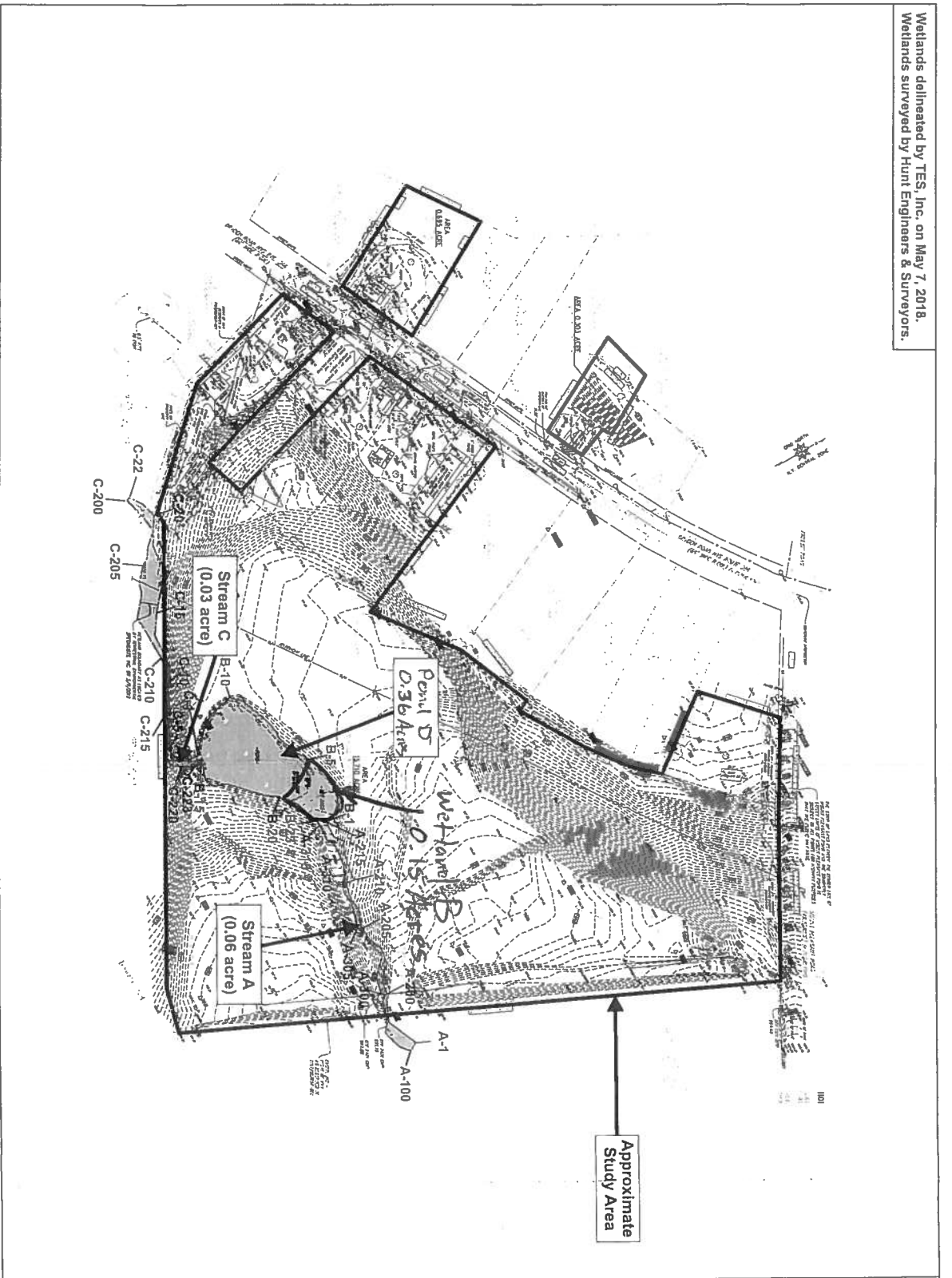
Figure 6.
Aerial Photograph of Site

TES File: H:\1044328\Aerial.mxd; 3/2/2015

Trinitas Development, LLC - Preliminary JD
USACE Processing No. 2018-01088
Tompkins County, New York

Sheet 2 of 3





APPROXIMATE SCALE IN FEET

Figure Prepared by
Terrestrial Environmental
Specialists, Inc.

Base Map Provided by
Hunt Engineers Architects
and Surveyors

Figure 7.
Wetland Survey Map

TES Proj: HUN-43381326 VML Location: 04/05/27/2018

Tritas Development, LLC - Preliminary JD
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Tompkins County, New York

