

# National Flood Hazard Layer FIRMMette



75°14'48"W 43°8'35"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- |                                    |  |  |
|------------------------------------|--|--|
| <b>SPECIAL FLOOD HAZARD AREAS</b>  |  | Without Base Flood Elevation (BFE)<br><i>Zone A, V, A99</i>  |
|                                    |  | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>   |
|                                    |  | Regulatory Floodway  |
| <b>OTHER AREAS OF FLOOD HAZARD</b> |  | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
|                                    |  | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>  |
|                                    |  | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>  |
|                                    |  | Area with Flood Risk due to Levee <i>Zone D</i>  |
| <b>OTHER AREAS</b>                 |  | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>   |
|                                    |  | Effective LOMRs  |
| <b>GENERAL STRUCTURES</b>          |  | Area of Undetermined Flood Hazard <i>Zone D</i>  |
|                                    |  | Channel, Culvert, or Storm Sewer   |
|                                    |  | Levee, Dike, or Floodwall  |
| <b>OTHER FEATURES</b>              |  | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation  |
|                                    |  | 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation  |
|                                    |  | Coastal Transect   |
|                                    |  | Base Flood Elevation Line (BFE)  |
|                                    |  | Limit of Study   |
|                                    |  | Jurisdiction Boundary  |
| <b>MAP PANELS</b>                  |  | Coastal Transect Baseline  |
|                                    |  | Profile Baseline   |
|                                    |  | Hydrographic Feature   |
|                                    |  | Digital Data Available   |
|                                    |  | No Digital Data Available  |
|                                    |  | Unmapped   |












The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

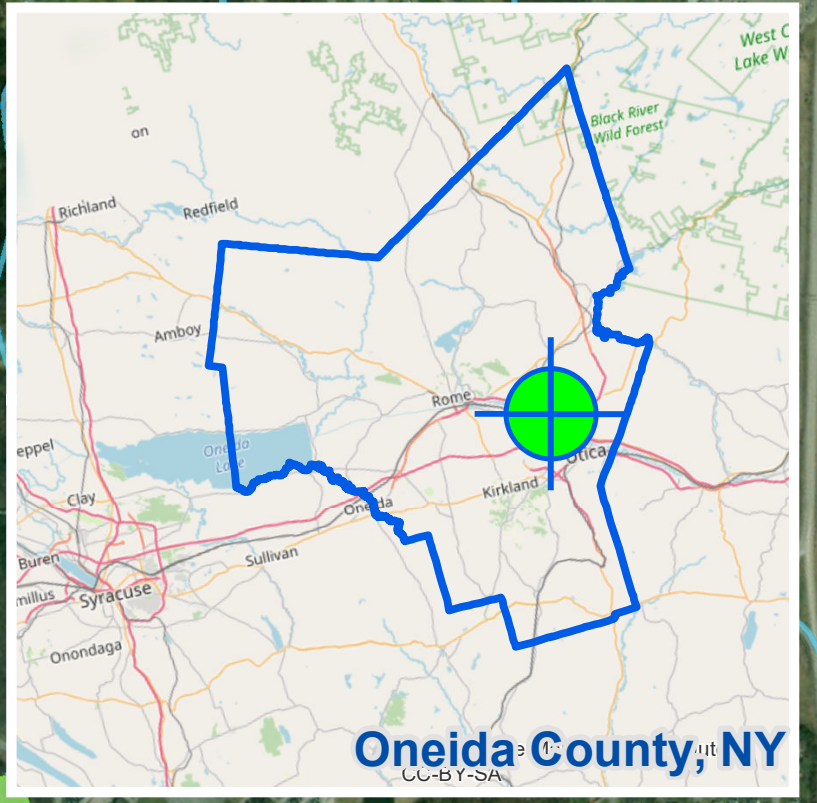
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **4/28/2021 at 3:30 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

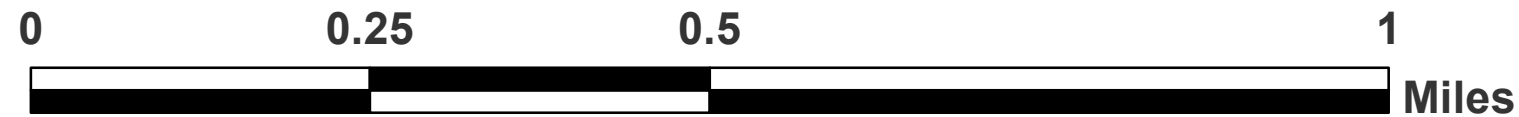


-  MNC - Parcel #2
-  Floodplain
-  NYSDEC\_Wetlands
- Federal\_Wetlands**
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Conservation Areas
-  Riverine



Stormwater  
Mgt. Area

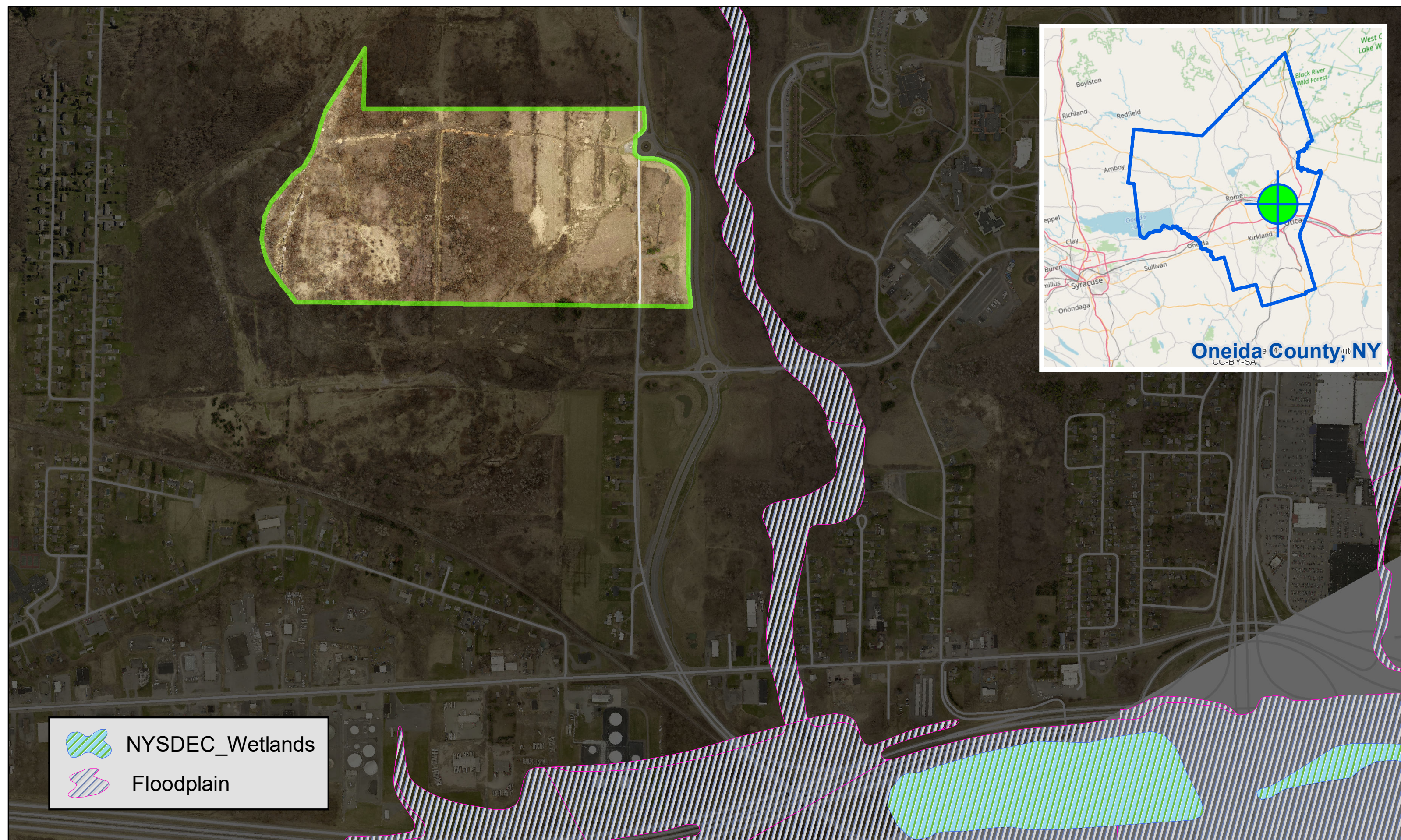
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

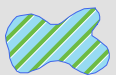



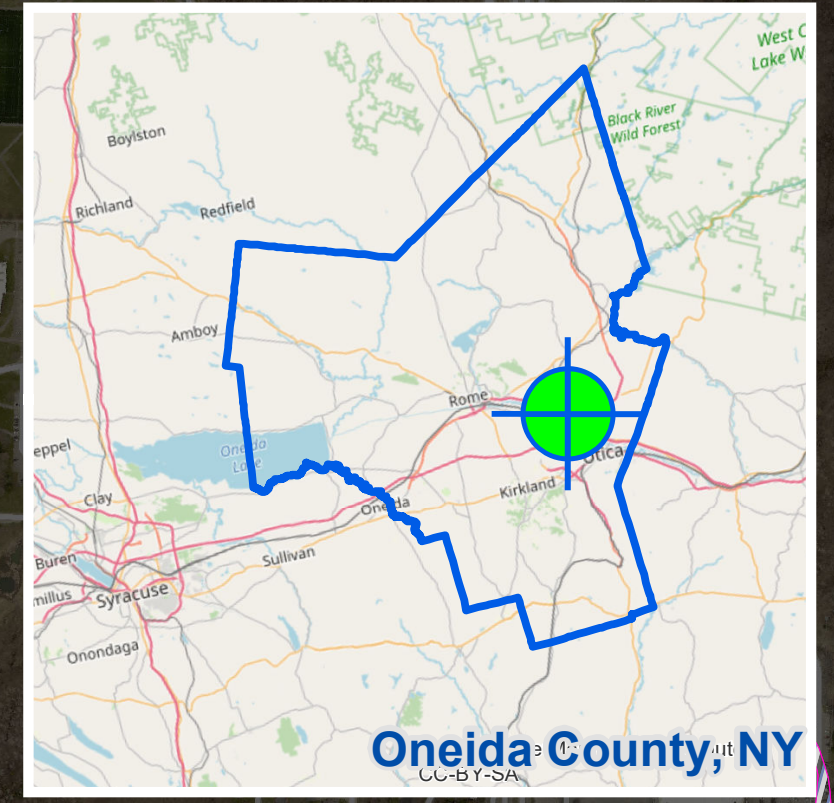
**Map of  
MVEDGE MNC South  
Wetlands & Conservation Areas  
April 2021**







-  NYSDEC\_Wetlands
-  Floodplain



Oneida County, NY  
CC-BY-SA



map of  
MVEDGE MNC South  
Floodplain & DEC Wetlands  
April 2021







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

REPLY TO

January 21, 2014

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination for Department of the Army Application No. 2001-00890 - PJD, New York State Department of Environmental Conservation No. 6-3044-00112

Mr. Steve DiMeo  
Mohawk Valley EDGE  
584 Phoenix Drive  
Rome, NY 13441

Dear Mr. DiMeo:

I have reviewed the delineation of waters you submitted for your proposal to construct a semiconductor manufacturing facility located on Edic Road, in the Town of Marcy, and for the associated mitigation sites located at the Oriskany Flats Wildlife Management Area, located off River Street, in the Town of Oriskany, Oneida County, New York. This correspondence supersedes the previous determination issued on January 15, 2014 which contained some minor errors.

I have evaluated your submitted delineation maps and have determined that the wetland and stream boundaries shown on the maps 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 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 08-02, 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 from this office. If an approved jurisdictional determination 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 Forms with this letter. The forms and attached tables identify the approximate extent of waters on the site and specific terms and conditions of the Preliminary JD. Please sign and return a copy of these forms to my attention so that I may



SUBJECT: Preliminary Jurisdictional Determination for Department of the Army Application No. 2001-00890 - PJD, New York State Department of Environmental Conservation No. 6-3044-00112

complete my evaluation of your file. If you do not respond within fifteen days of this letter, I will assume you no longer wish to pursue the jurisdictional determination and will withdraw your application.

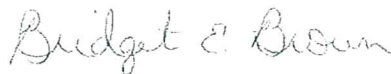
In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expirations dates." However, I strongly recommend that the boundaries of waters of the United States be re-evaluated 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.

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 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 letter has been forwarded electronically to Steve Eckler, O'Brien & Gere.

Questions pertaining to this matter should be directed to me at (315) 255-0143, by writing to the following address: U.S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021, or by e-mail at: [bridget.brown@usace.army.mil](mailto:bridget.brown@usace.army.mil)

Sincerely,



Bridget E. Brown  
Biologist

Enclosure



**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**  
MVEDGE, USACE #2001-00890 – Marcy Nanocenter site

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):** January 21, 2014

**B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**  
Mr. Steven DiMeo  
Mohawk Valley EDGE  
584 Phoenix Drive  
Rome, NY 13441

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Buffalo – Auburn Field Office, Mohawk Valley Economic Development Growth Enterprises  
File #2001-00890

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:** Project location generally west of Edic Road, south of Hazard Road and east of Morris Road. Review area is approximately 420 acres. This includes the original 280 acre site previously subject to an approved plus new parcels noted as Farmer and Loin and parcels located east of the former Edic Road location.

State: NY      County/parish/borough: Oneida      City: Town of Marcy

**(SEE THE ATTACHED TABLE FOR SUMMARY OF MULTIPLE WATERBODIES ON SITE)**

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

Pick List, Long.      ° Pick List.

Universal Transverse Mercator:

Name of nearest waterbody: Unnamed tributary of NYS Barge Canal, NYS and Mohawk River

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 16,882 linear feet:      width (ft) and/or  
acres.

Cowardin Class: Riverine

Stream Flow: 10,867 ft. intermittent/6,015 ft. ephemeral

Wetlands: 41 acres.

Cowardin Class: 13.92 acres PEM/13.33 acres PSS/14.24 acres PFO

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:



**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

MVEDGE, USACE #2001-00890 – Marcy Nanocenter site

Non-Tidal:

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

Office (Desk) Determination. Date: 10 January 2014

Field Determination. Date(s): 24 September 2013

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

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 approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that 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) that 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) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (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 preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes 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 approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, 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,



**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

MVEDGE, USACE #2001-00890 – Marcy Nanocenter site

and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply**

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: O'Brien & Gere(OBG).

Data sheets prepared/submitted by or on behalf of the applicant/consultant: OBG Data sheets for main site, Farmers Property, and Loin Property (dated 1999, 2001, 2008, 2012 & 2013). Schumaker data sheets dated 2008 & TRC data sheets dated 2013.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps:

Corps navigable waters' study:

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: See NWI attachment in application/delineation – background source: Oriskany & South Trenton Quads. Site slopes from north to south. Stream channel crosses Edic Road and enters site along south east corner continues south to the Mohawk River (Section 10). Several drainage patterns evident on site flowing from north to south based on contours.

USDA Natural Resources Conservation Service Soil Survey. Citation: See application/delineation Web Soil Survey attachment: USDA Natural Resource Conservation Service Web Soil Survey accessed February 12, 2013. Numerous soil types mapped several of which potential to contain hydric inclusions.

National wetlands inventory map(s). Cite name: See application/delineation NWI attachment – NWI mapping reviewed using the USFWS Wetland Mapper – February 12, 2013 and August 7, 2013. Only one small open water pond (PUBHh) noted within review areas. Two other wetlands noted to the south and wetland to the east associated with Gridley Creek

State/Local wetland inventory map(s): See application/delineation NYSDEC Environmental Resource Mapper output data accessed February 12, 2013 and August 7, 2013. No state wetlands noted within or adjacent to site. One class c stream channel enters south east corner of site.



**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

MVEDGE, USACE #2001-00890 – Marcy Nanocenter site

FEMA/FIRM maps:FEMA map Service Center –Map 36065C0594F & 36065C0615F. No floodplains mapped within review area. Gridley Creek located off-site to the east is mapped as Zone A.

100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

Photographs:  Aerial (Name & Date): Bing Maps, NYS Clearing House or  Other (Name & Date):Delineation report photos: 4-7 Dec 2012, 17-19 Apr 2012, 22-25 Oct 2012 & 14 Jul 2013.

Previous determination(s). File no. and date of response letter: 2001-00890 approved JD issued December 14, 2007 for 280 acre site.


Other information (please specify): National Grid file #2013-01098 for relocation of utility line on MVEDGE parcel. TRC delineation- boundary of TRC wetlands W-1B and MW-I utilized to modify OBG wetlands LW-3 and W-14. Copies of the TRC datasheets and aerials for these areas have been incorporated into the MVEDGE 2001-00890 file.

**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.**

BROWN.BRIDGE  
T.E.1228717084  
Digitally signed by  
BROWN.BRIDGET.E.1228717084  
DN: c=US, o=U.S. Government, ou=DoD,  
ou=PKI, ou=USA,  
cn=BROWN.BRIDGET.E.1228717084  
Date: 2014.01.21 10:25:19 -05'00'

Bridget E. Brown

Signature and date of  
Regulatory Project Manager  
(REQUIRED)

  
Steven DiMeo 1/21/14

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



**MVEDGE, USACE # 2001-00890**

Federal wetland/streams in JD review area – Marcy Nanocenter Site, Marcy, New York

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
OBG W-1	43°8'9.66"N	75°14'30.26"W	PEM	1.9 acres	non-section 10 - wetland
OBG W-1	43°8'9.66"N	75°14'30.26"W	PSS	0.45 acres	non-section 10 - wetland
OBG W-1	43°8'9.66"N	75°14'30.26"W	PFO	0.03 acres	non-section 10 - wetland
OBGW-2	43°8'11.69"N	75°14'28.25"W	PEM	1.01 acres	non-section 10 - wetland
OBGW-2	43°8'11.69"N	75°14'28.25"W	PSS	0.59 acres	non-section 10 - wetland
OBGW-3	43°8'23.86"N	75°14'19.94"W	PEM	1.03 acres	non-section 10 - wetland
OBGW-3a	43°8'21.26"N	75°14'26.66"W	PEM	0.15 acres	non-section 10 - wetland
OBGW-4	43°8'35.98"N	75°14'20.63"W	PEM	0.1 acres	non-section 10 - wetland
OBGW-4	43°8'35.98"N	75°14'20.63"W	PSS	0.11 acres	non-section 10 - wetland
OBGW-4	43°8'35.98"N	75°14'20.63"W	PFO	0.17 acres	non-section 10 - wetland
OBGW-5	43°8'25.51"N	75°14'34.64"W	PEM	0.25 acres	non-section 10 - wetland
OBGW-5	43°8'25.51"N	75°14'34.64"W	PSS	0.38 acres	non-section 10 - wetland
OBGW-5	43°8'25.51"N	75°14'34.64"W	PFO	3.55 acres	non-section 10 - wetland
OBGW-6	43°8'21.55"N	75°14'30.71"W	PEM	0.07 acres	non-section 10 - wetland
OBGW-6	43°8'21.55"N	75°14'30.71"W	PSS	0.29 acres	non-section 10 - wetland
OBGW-6	43°8'21.55"N	75°14'30.71"W	PFO	0.46 acres	non-section 10 - wetland
OBGW-7	43°8'32.51"N	75°14'37.39"W	PEM	0.11 acres	non-section 10 - wetland
OBGW-7	43°8'32.51"N	75°14'37.39"W	PSS	0.24 acres	non-section 10 - wetland
OBGW-7	43°8'32.51"N	75°14'37.39"W	PFO	1.28 acres	non-section 10 - wetland
OBGW-8 <sup>1</sup>	43°8'32.38"N	75°14'45.12"W	PEM	2.63 acres	non-section 10 - wetland
OBGW-8 <sup>1</sup>	43°8'32.38"N	75°14'45.12"W	PSS	7.87 acres	non-section 10 - wetland
OBGW-8 <sup>1</sup>	43°8'32.38"N	75°14'45.12"W	PFO	5.99 acres	non-section 10 - wetland
OBGW-9	43°8'20.25"N	75°14'40.18"W	PEM	0.06 acres	non-section 10 - wetland
OBGW-9	43°8'20.25"N	75°14'40.18"W	PSS	0.13 acres	non-section 10 - wetland
OBGW-9	43°8'20.25"N	75°14'40.18"W	PFO	0.67 acres	non-section 10 - wetland
OBGW-10 (see OBGW-8)					non-section 10 - wetland

<sup>1</sup> Represents total acreage for OBGW-8, 10 and 14.



**MVEDGE, USACE # 2001-00890**

**Federal wetland/streams in JD review area – Marcy Nanocenter Site, Marcy, New York**

OBGW-11	43°8'25.01"N	75°15'14.37"W	PEM	1.22 acres	non-section 10 - wetland
OBGW-11	43°8'25.01"N	75°15'14.37"W	PSS	1.45 acres	non-section 10 - wetland
OBGW-12	43°8'55.19"N	75°14'52.38"W	PEM	0.66 acres	non-section 10 - wetland
OBGW-13	43°8'55.33"N	75°14'49.48"W	PEM	0.13 acres	non-section 10 - wetland
OBGW-13a	43°8'53.34"N	75°14'52.27"W	PEM	0.09 acres	non-section 10 - wetland
OBGW-14 (see OBGW-8)					non-section 10 - wetland
OBGW-15	43°8'48.24"N	75°14'59.30"W	PEM	0.67 acres	non-section 10 - wetland
OBGW-16	43°8'47.68"N	75°14'54.67"W	PEM	0.06 acres	non-section 10 - wetland
OBGW-16	43°8'47.68"N	75°14'54.67"W	PSS	0.45 acres	non-section 10 - wetland
OBGW-17	43°8'40.49"N	75°14'18.55"W	PEM	0.11 acres	non-section 10 - wetland
OBGW-17	43°8'40.49"N	75°14'18.55"W	PSS	0.05 acres	non-section 10 - wetland
OBGW-18	43°8'41.06"N	75°14'30.51"W	PEM	0.21 acres	non-section 10 - wetland
WLF-1	43°8'35.80"N	75°14'44.17"W	PEM	0.17 acres	non-section 10 - wetland
WLF-1	43°8'35.80"N	75°14'44.17"W	PFO	0.42 acres	non-section 10 - wetland
WLF-2	43°8'39.69"N	75°14'44.12"W	PEM	0.04 acres	non-section 10 - wetland
WLF-2	43°8'39.69"N	75°14'44.12"W	PSS	0.01 acres	non-section 10 - wetland
WLF-3	43°8'37.07"N	75°14'46.69"W	PEM	0.1 acres	non-section 10 - wetland
WLF-3	43°8'37.07"N	75°14'46.69"W	PFO	0.3 acres	non-section 10 - wetland
WLF-4	43°8'38.30"N	75°14'51.68"W	PFO	0.15 acres	non-section 10 - wetland
WLF-5	43°8'38.74"N	75°14'47.70"W	PEM	0.03 acres	non-section 10 - wetland
WLF-5	43°8'38.74"N	75°14'47.70"W	PSS	0.05 acres	non-section 10 - wetland
WLF-5	43°8'38.74"N	75°14'47.70"W	PFO	0.02 acres	non-section 10 - wetland
WLF-6	43°8'41.23"N	75°14'51.24"W	PEM	0.04 acres	non-section 10 - wetland
WLF-6	43°8'41.23"N	75°14'51.24"W	PSS	0.09 acres	non-section 10 - wetland
WLF-6	43°8'41.23"N	75°14'51.24"W	PFO	0.06 acres	non-section 10 - wetland
LW-1	43°8'39.18"N	75°14'11.01"W	PEM	0.16 acres	non-section 10 - wetland
LW-1	43°8'39.18"N	75°14'11.01"W	PFO	0.28 acres	non-section 10 - wetland
LW-2	43°8'41.15"N	75°14'15.64"W	PEM	0.18 acres	non-section 10 - wetland
LW-2	43°8'41.15"N	75°14'15.64"W	PSS	0.16 acres	non-section 10 - wetland
LW-2	43°8'41.15"N	75°14'15.64"W	PFO	0.32 acres	non-section 10 - wetland



**MVEDGE, USACE # 2001-00890**

**Federal wetland/streams in JD review area – Marcy Nanocenter Site, Marcy, New York**

LW-3	43°8'41.99"N	75°14'18.43"W	PEM	1.88 acres	non-section 10 - wetland
LW-3	43°8'41.99"N	75°14'18.43"W	PSS	0.81 acres	non-section 10 - wetland
LW-3	43°8'41.99"N	75°14'18.43"W	PFO	0.54 acres	non-section 10 - wetland
LW-4	43°8'39.61"N	75°14'6.56"W	PEM	0.05 acres	non-section 10 - wetland
LW-4	43°8'39.61"N	75°14'6.56"W	PSS	0.2 acres	non-section 10 - wetland
W-B	43°8'18.06"N	75°14'17.25"W	PEM	0.16 acres	non-section 10 - wetland
W-C	43°8'31.03"N	75°14'06.42"W	PEM	0.23 acres	non-section 10 - wetland
W-D	43°8'25.28"N	75°14'10.45"W	PEM	0.42 acres	non-section 10 - wetland
IS-1	43° 8'14.66"N	75°14'22.61"W	Intermittent	731 feet	non-section 10 - non-wetland
IS-2	43° 8'9.49"N	75°14'35.49"W	Intermittent	332 feet	non-section 10 - non-wetland
IS-3	43° 8'18.47"N	75°14'32.57"W	Intermittent	1275 ft	non-section 10 - non-wetland
IS-4	43° 8'35.88"N	75°14'21.16"W	Intermittent	1025 ft	non-section 10 - non-wetland
IS-5	43° 8'34.03"N	75°14'29.59"W	Intermittent	1015 ft	non-section 10 - non-wetland
IS-6	43° 8'28.07"N	75°14'42.27"W	Intermittent	1955 ft	non-section 10 - non-wetland
IS-7	43° 8'25.06"N	75°14'50.59"W	Intermittent	935 ft	non-section 10 - non-wetland
IS-8	43° 8'38.02"N	75°14'34.30"W	Intermittent	480 ft	non-section 10 - non-wetland
IS-9	43° 8'55.13"N	75°14'51.96"W	Intermittent	743 ft	non-section 10 - non-wetland
IS-10	43° 8'45.73"N	75°15'12.72"W	Intermittent	1426 ft	non-section 10 - non-wetland
ISL-1	43° 8'34.84"N	75°14'6.62"W	Intermittent	650 ft	non-section 10 - non-wetland
ISL-2	43° 8'22.63"N	75°14'12.29"W	Intermittent	300 ft	non-section 10 - non-wetland
ES-1	43° 8'23.10"N	75°14'17.03"W	Ephemeral	175 ft	non-section 10 - non-wetland
ES-2	43° 8'32.78"N	75°14'13.18"W	Ephemeral	527 ft	non-section 10 - non-wetland
ES-3	43° 8'33.18"N	75°14'16.17"W	Ephemeral	295 ft	non-section 10 - non-wetland
ES-4	43° 8'25.37"N	75°14'22.74"W	Ephemeral	510 ft	non-section 10 - non-wetland
ES-5	43° 8'20.18"N	75°14'24.69"W	Ephemeral	219 ft	non-section 10 - non-wetland
ES-6	43° 8'13.43"N	75°14'35.98"W	Ephemeral	705 ft	non-section 10 - non-wetland
ES-7	43° 8'15.87"N	75°14'40.49"W	Ephemeral	585 ft	non-section 10 - non-wetland
ES-8	43° 8'26.16"N	75°14'39.62"W	Ephemeral	365 ft	non-section 10 - non-wetland
ES-9	43° 8'33.22"N	75°14'52.69"W	Ephemeral	514 ft	non-section 10 - non-wetland



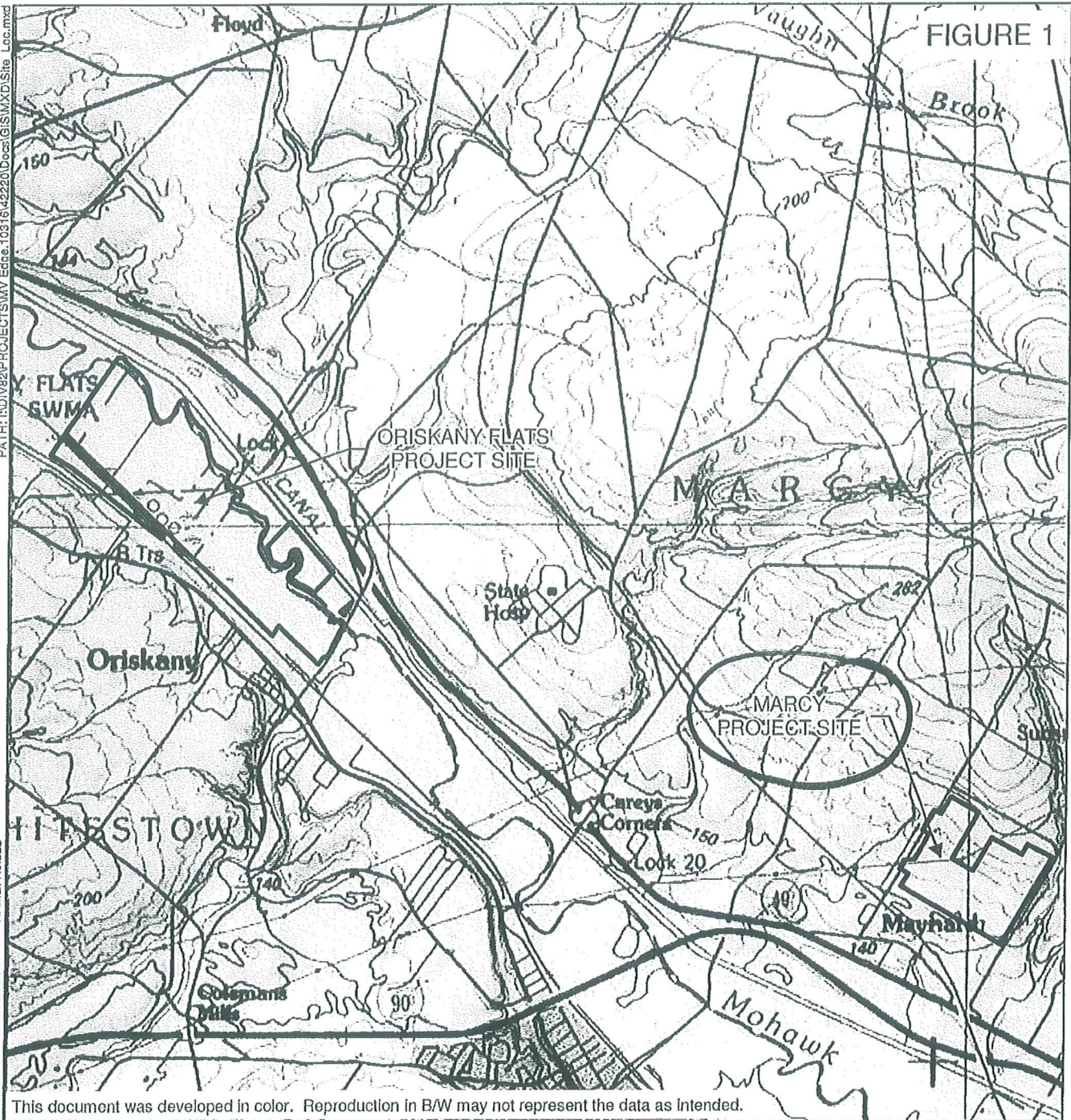
**MVEDGE, USACE # 2001-00890**

**Federal wetland/streams in JD review area – Marcy Nanocenter Site, Marcy, New York**

ES-10	43° 8'33.89"N	75°14'55.94"W	Ephemeral	970 ft	non-section 10 - non-wetland
ES-11	43° 8'44.09"N	75°14'58.49"W	Ephemeral	273 ft	non-section 10 - non-wetland
ES-12	43° 8'26.33"N	75°15'15.37"W	Ephemeral	315 ft	non-section 10 - non-wetland
ESF-1	43° 8'39.78"N	75°14'39.19"W	Ephemeral	260 ft	non-section 10 - non-wetland
ESF-2	43° 8'36.42"N	75°14'39.31"W	Ephemeral	173 ft	non-section 10 - non-wetland
ESF-3	43° 8'40.99"N	75°14'51.34"W	Ephemeral	129 ft	non-section 10 - non-wetland



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MOHAWK VALLEY EDGE  
 ORISKANY FLATS  
 WETLAND MITIGATION  
 ORISKANY FLATS, NEW YORK

**LEGEND**

-  SITE AREA / NYSDEC WILDLIFE MANAGEMENT AREA
-  MARCY PROJECT SITE



MAP LOCATION

**SITE LOCATION**



1:60,000

Mohawk Valley Edge  
 USACE #2001-00890 (PJD - Main Site)  
 Oneida County, New York  
 South Trenton, NY Quad





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Mohawk Valley EDGE  
USACE #2001-00890 (PJD - Main Site)  
Oneida County, New York  
South Trenton, NY Quad

Sheet 2 of 8



**LEGEND**



WETLANDS



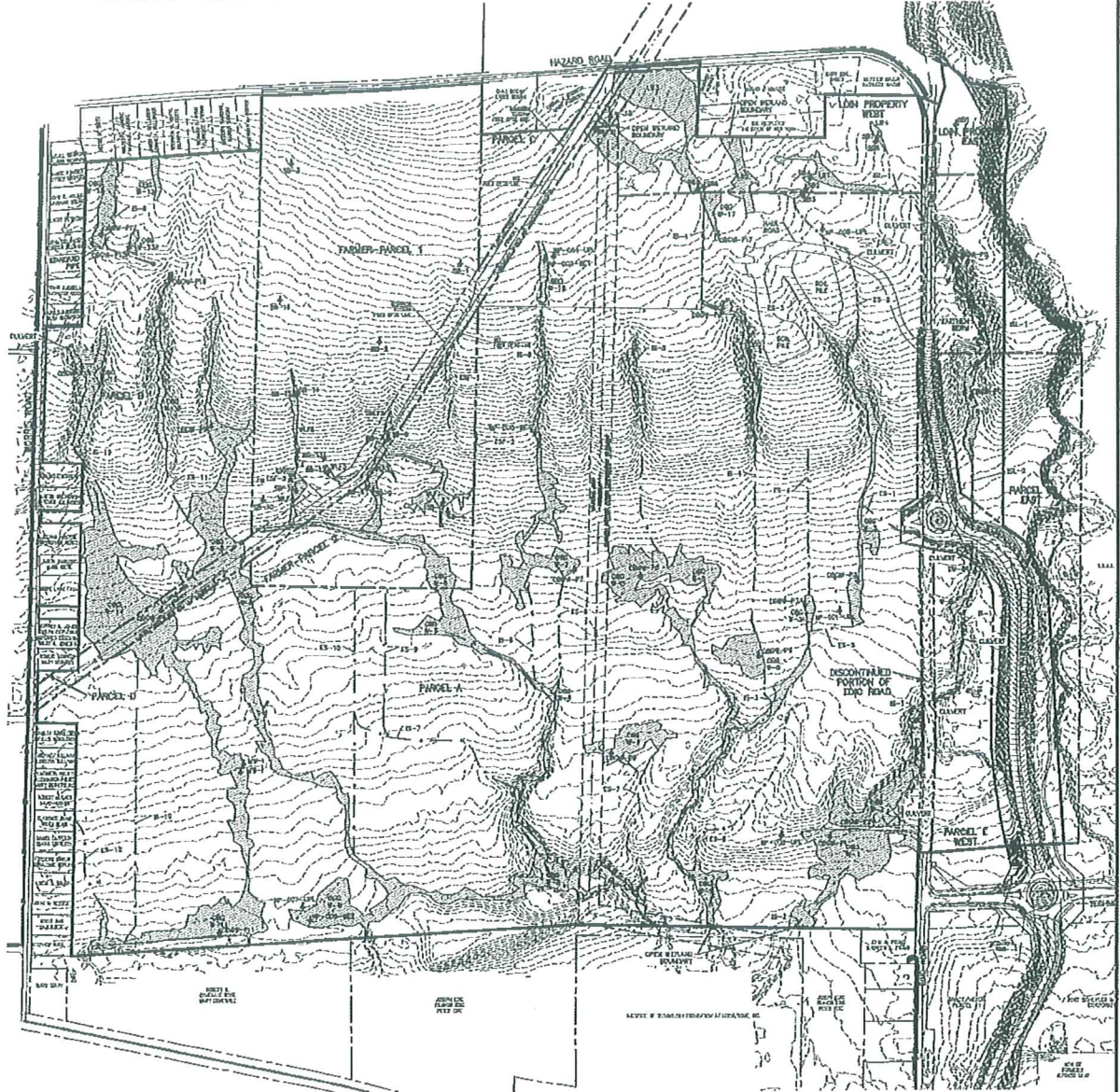
STREAMS



LIMITS OF AREA FOR PRELIMINARY  
JURISDICTIONAL DETERMINATION  
(APPROXIMATELY 420± ACRES)



WETLAND SAMPLE PLOT LOCATIONS



**PLAN**



SCALE: 1"=800'



MOHAWK VALLEY EDGE  
MARCY NANO CENTER  
MARCY, NEW YORK

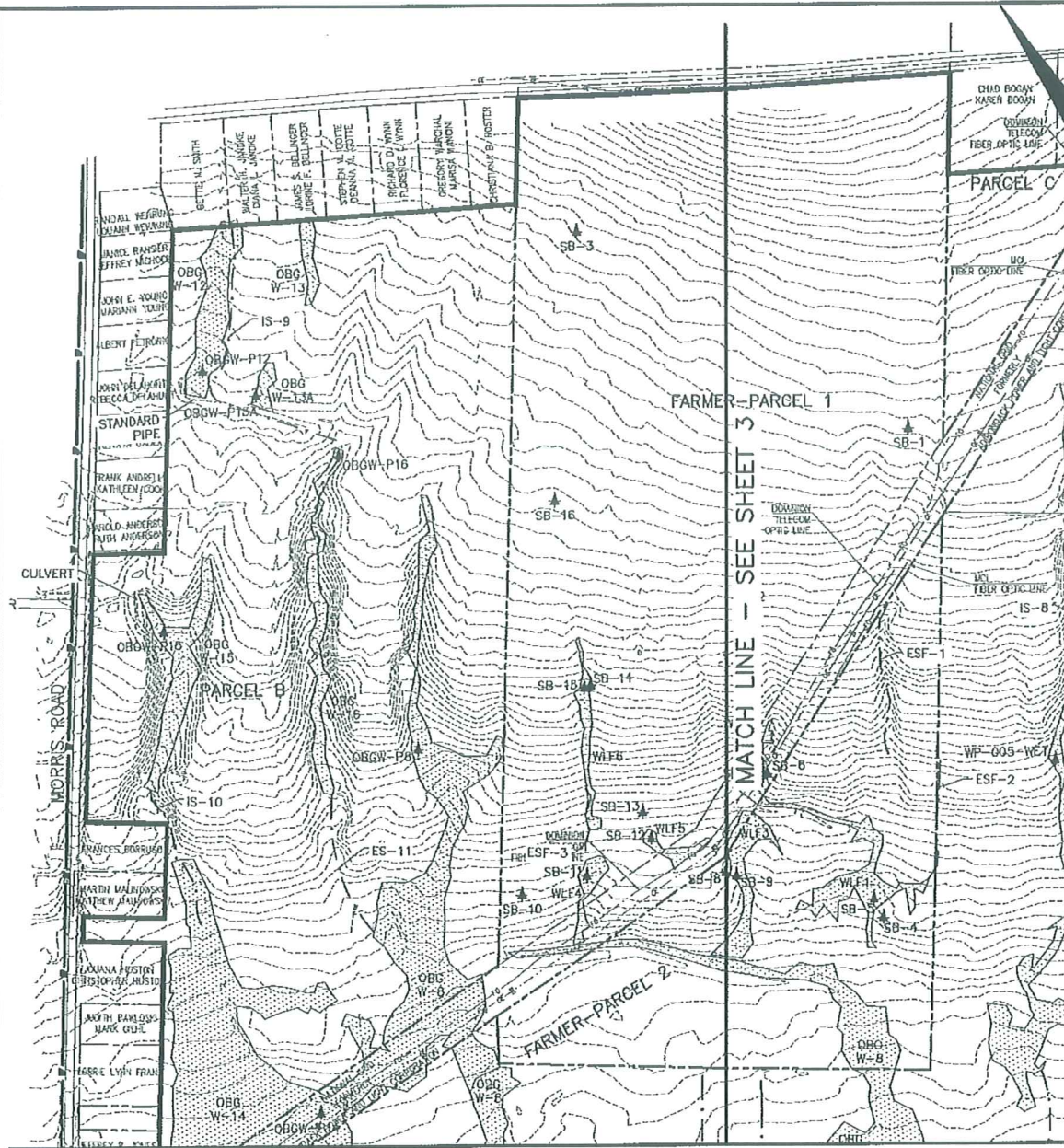
PRELIMINARY JURISDICTIONAL DETERMINATION

FILE NO.  
10316.50842-005

DATE  
AUGUST 2013

DWG NO.  
1





MATCH LINE - SEE SHEET 5

MATCH LINE - SEE SHEET 3

**PLAN**

SCALE: 1"=400'

**LEGEND**



WETLANDS



STREAMS



LIMITS OF AREA FOR PRELIMINARY JURISDICTIONAL DETERMINATION (APPROXIMATELY 420± ACRES)



WETLAND SAMPLE PLOT LOCATION



Oneida County, New York  
 South Trenton, NY Quad  
 Sheet 3 of 8



MOHAWK VALLEY EDGE  
 MARCY NANO CENTER  
 MARCY, NEW YORK

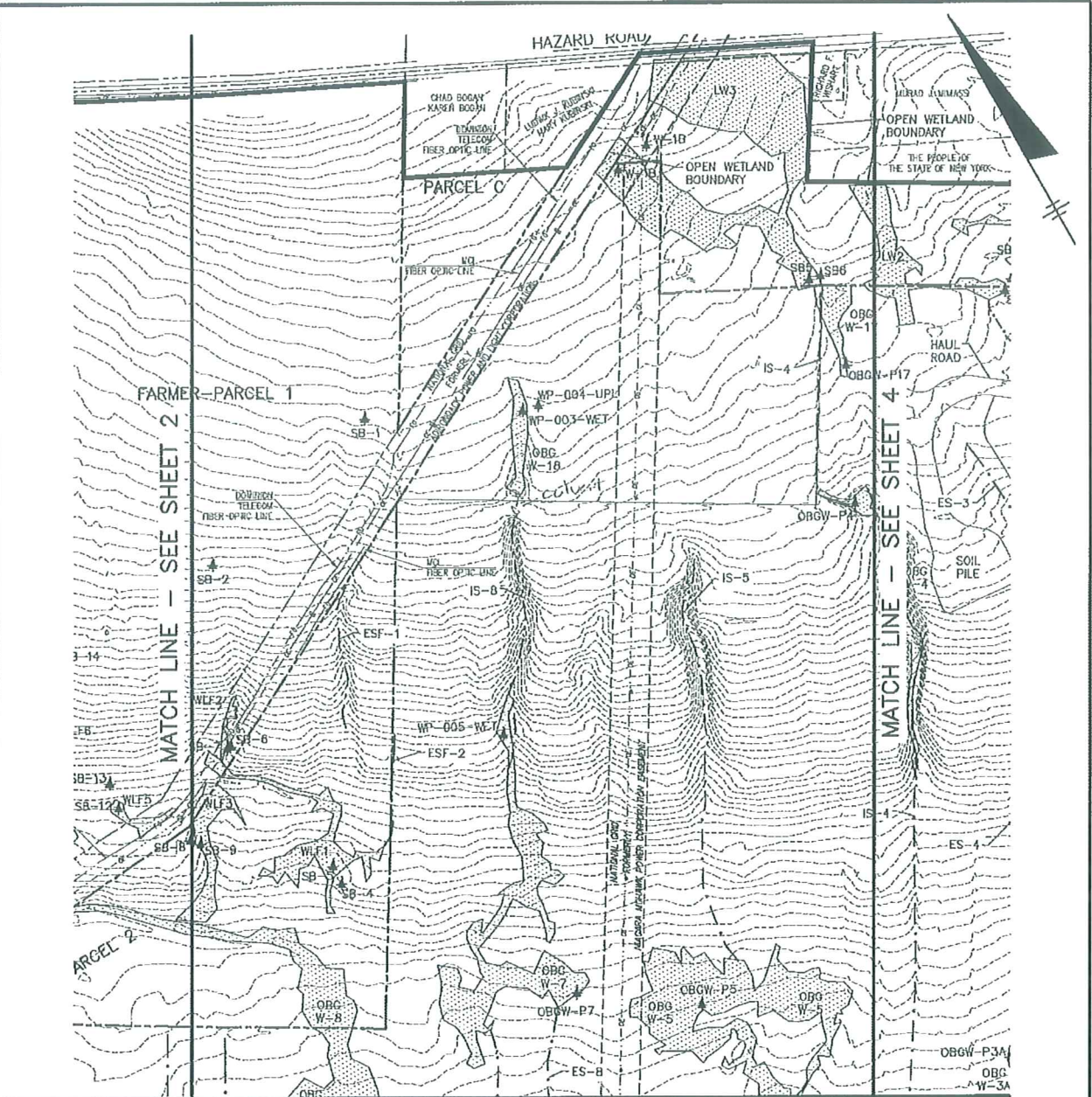
JURISDICTIONAL DETERMINATION

FILE NO.  
 10316.50842-001

DATE  
 AUGUST 2013

DWG NO.  
 2





MATCH LINE - SEE SHEET 6

**PLAN**

SCALE: 1"=400'

**LEGEND**



WETLANDS



STREAMS



LIMITS OF AREA FOR PRELIMINARY JURISDICTIONAL DETERMINATION (APPROXIMATELY 420± ACRES)



WETLAND SAMPLE PLOT LOCATION



Mohawk Valley EDGE  
 ACE #2001-00890 (PJD - Main Site)  
 Oneida County, New York  
 South Trenton, NY Quad



MOHAWK VALLEY EDGE  
 MARCY NANOCENTER  
 MARCY, NEW YORK

RY JURISDICTIONAL DETERMINATION

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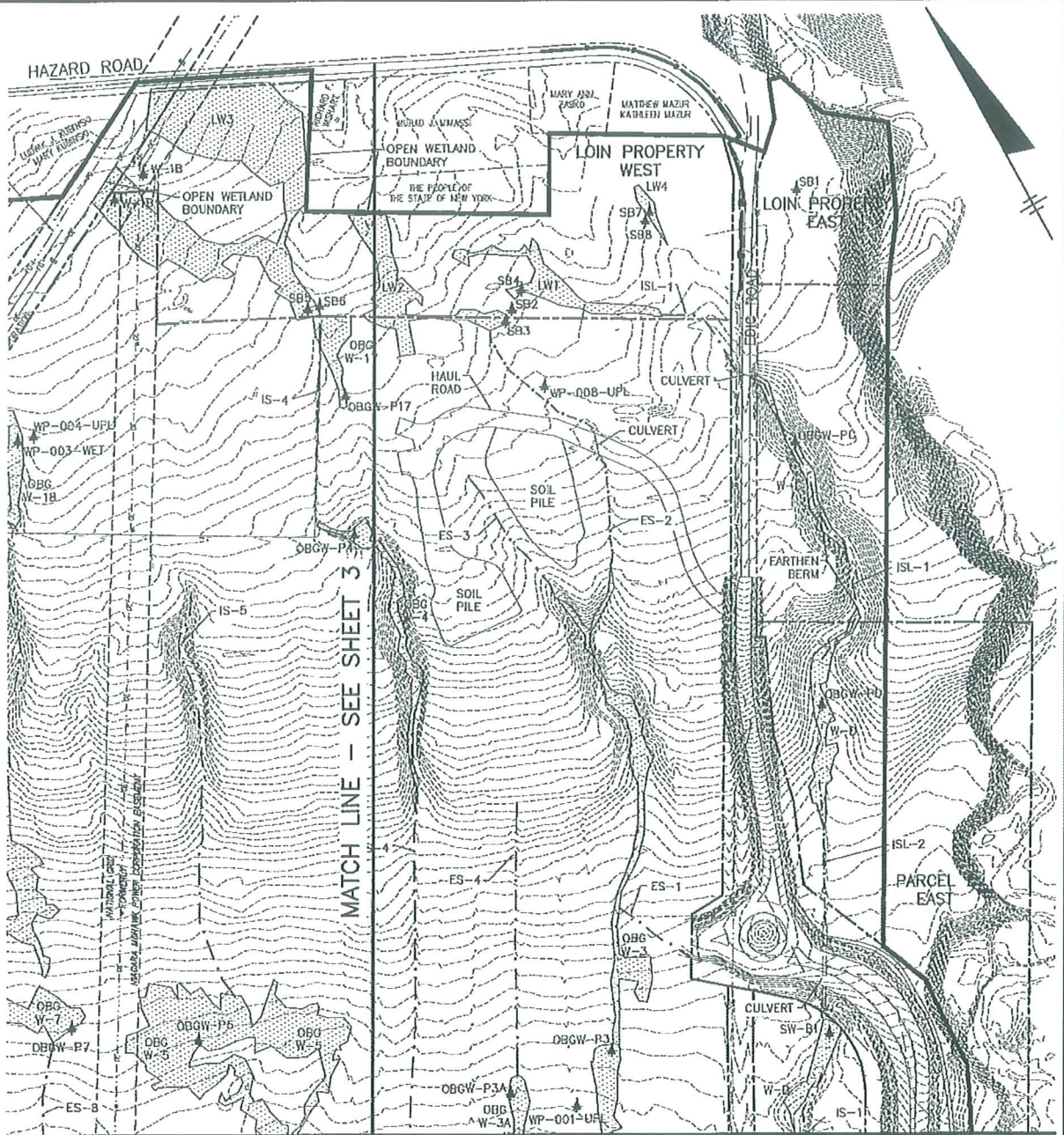
DATE  
AUGUST 2013

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3



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MATCH LINE - SEE SHEET 7

### PLAN

SCALE: 1"=400'

### LEGEND

WETLANDS

STREAMS

LIMITS OF AREA FOR PRELIMINARY JURISDICTIONAL DETERMINATION (APPROXIMATELY 420± ACRES)

WETLAND SAMPLE PLOT LOCATION



Mohawk Valley Edge  
 SACE #2001-00890 (PJD - Main Site)  
 Oneida County, New York  
 South Trenton, NY Quad  
 Sheet 5 of 8



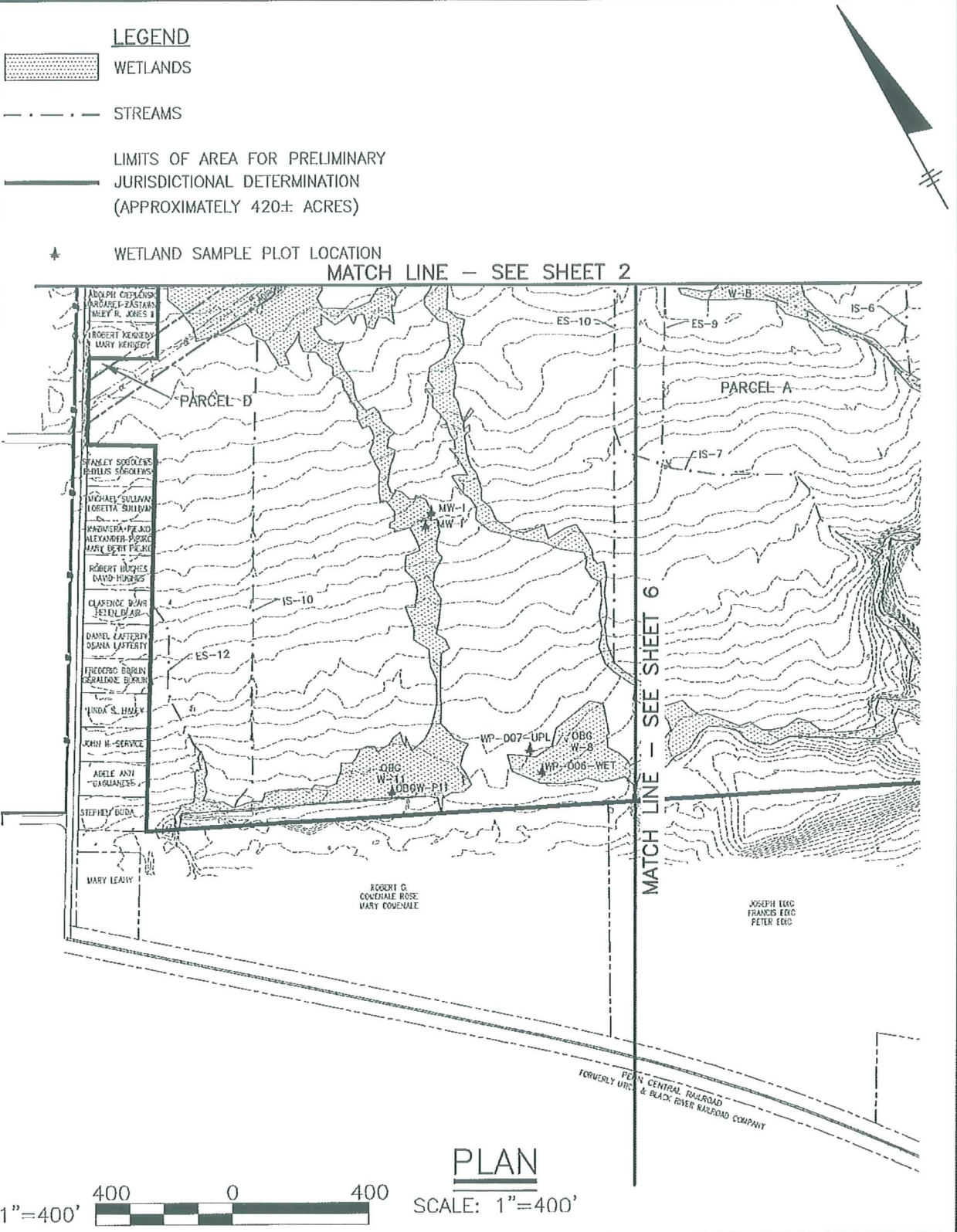
MOHAWK VALLEY EDGE  
 MARCY NANO CENTER  
 MARCY, NEW YORK

JURISDICTIONAL DETERMINATION

FILE NO. 10316.50842-002
DATE AUGUST 2013
DWG NO. 4



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Mohawk Valley EDGE  
 TRACE #2001-00890 (PJD - Main Site)  
 Oneida County, New York  
 South Trenton, NY Quad  
 Sheet 6 of 8



MOHAWK VALLEY EDGE  
 MARCY NANO CENTER  
 MARCY, NEW YORK

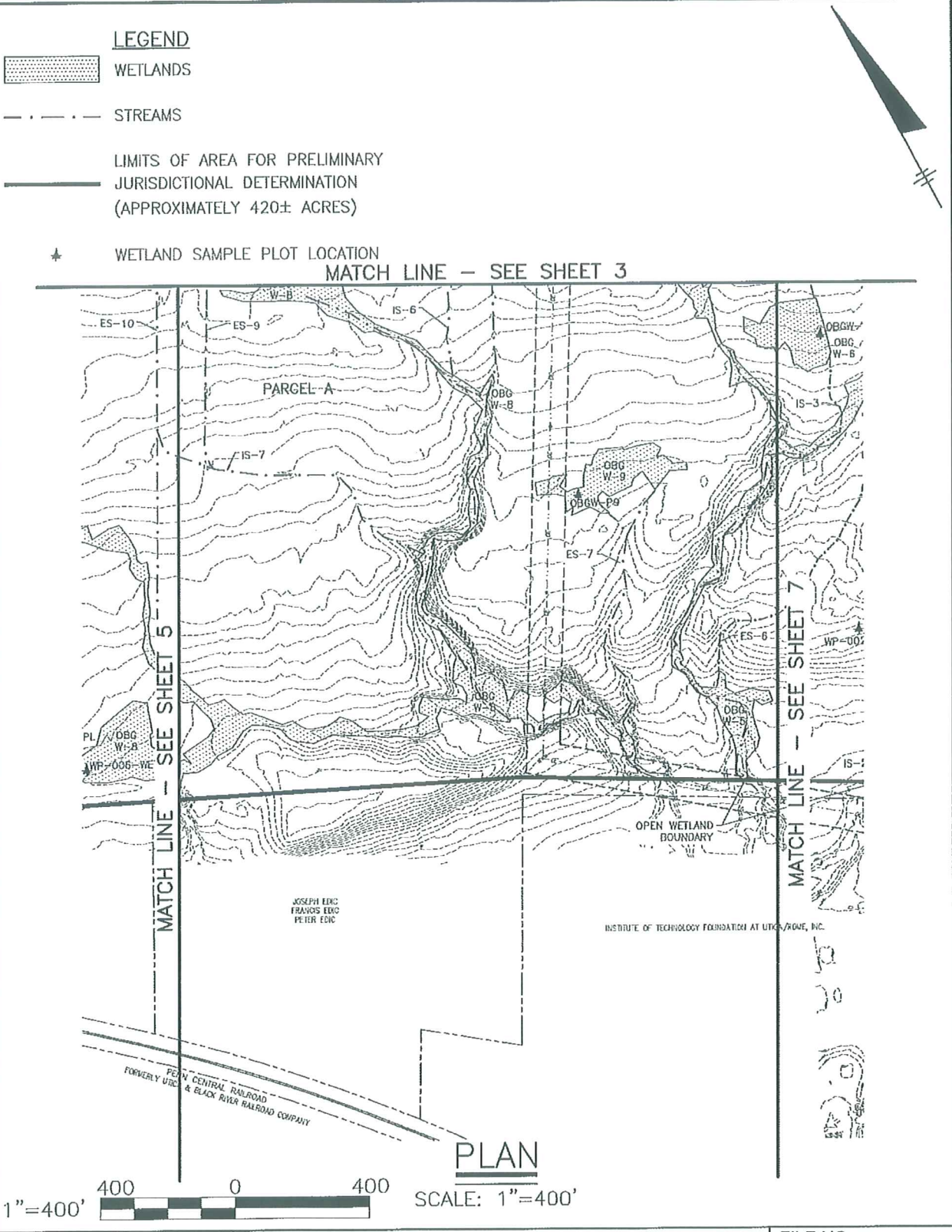
WETLANDS JURISDICTIONAL DETERMINATION

FILE NO. 10316.50842-003
DATE AUGUST 2013
DWG NO. 5



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PLAN

1"=400' 400 0 400 SCALE: 1"=400'

Mohawk Valley EDGE  
PROJECT #2001-00890 (PJD - Main Site)  
Oneida County, New York  
South Trenton, NY Quad

Sheet 7 of 8



MOHAWK VALLEY EDGE  
MARCY NANOCENTER  
MARCY, NEW YORK

PRELIMINARY JURISDICTIONAL DETERMINATION

FILE NO.  
10316.50842-007

DATE  
AUGUST 2013

DWG NO.  
6







**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

USACE # 2001-00890; Oriskany Flats Wildlife Management Area Mitigation Site

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):** January 21, 2014

**B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**

Mr. Steve DiMeo  
Mohawk Valley EDGE  
584 Phoenix Drive  
Rome, NY 13441

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Buffalo – Auburn Field Office, Mohawk Valley Economic Development Growth Enterprises  
File #2001-00890

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**  
Proposed mitigation site NYSDEC Oriskany Flats Wildlife Management Area (OFWMA), River Street, Oriskany, NY

**(SEE THE ATTACHED TABLE WHICH DOCUMENTS MULTIPLE WATERBODIES AT OFWMA)**

State: **New York** County/parish/borough: **Oneida County** City: **City of Rome and Town of Whitestown**

Center coordinates of site (lat/long in degree decimal format): **Lat. 43.16449°, Long. -75.32696°**

Universal Transverse Mercator: **X-473421, Y-4779133**

Name of nearest waterbody: **Mohawk River**

Identify (estimate) amount of waters in the review area:

**Forested Wetland Creation Area:**

Non-wetland waters: linear feet: **NA** width (ft) and/or acres.

Cowardin Class: **NA**

Stream Flow: **NA**

Wetlands: **2.8 acres (Wetland A)**

Cowardin Class: **PEM1(1.9 acres)/SS1(0.9 acres)**

**Wetland Enhancement Area**

Non-wetland waters: **2,300** linear feet: **NA** width (ft) and/or **NA** acres.

Cowardin Class: **riverine**

Stream Flow: **perennial**

Wetlands: **58 acres (Wetland B).**

Cowardin Class: **PEM1**



**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

USACE # 2001-00890; Oriskany Flats Wildlife Management Area Mitigation Site

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: NA

Non-Tidal:

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

Office (Desk) Determination. Date: 14 January 2014

Field Determination. Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

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 approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that 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) that 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) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (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 preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes 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 approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered



## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

USACE # 2001-00890; Oriskany Flats Wildlife Management Area Mitigation Site

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, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

### SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **O'Brien & Gere(OBG)**.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant. **Data sheets for OFWMA, dated April 2009 – boundaries were reviewed by OBG in 2013 and no change was found.**
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **Oriskany NY See delineation/application. Erie Canal (Section 10) located to the north. Mohawk River(Section 10) located to the south of Wetland A review area and to the north of Wetland B review area.**
- USDA Natural Resources Conservation Service Soil Survey. Citation **See Web Soil Survey attachment in delineation - USDA Natural Resource Conservation Service Web Soil Survey accessed February 12, 2013.**
- National wetlands inventory map(s). Cite name: **Oriskany. See NWI attachment in delineation – NWI mapping reviewed by OBG using the USFWS Wetland Mapper – February 12, 2013 and August 7, 2013. OFWMA contains numerous NWI wetlands.**
- State/Local wetland inventory map(s): **See NYSDEC Environmental Resource Mapper output data accessed by OBG February 12, 2013 and August 7, 2013. OFWMA contains state regulated wetlands.**
- FEMA/FIRM maps: **Panels 36065C0586F & 36065C0587F - FEMA online map service. Located with zone AE portions of the review areas located within the floodway areas in Zone AE. Also special flood hazard areas subject to inundation by the 1% Annual Chance Flood.**



**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

USACE # 2001-00890; Oriskany Flats Wildlife Management Area Mitigation Site

100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

Photographs:  Aerial (Name & Date): . **Bing Maps – large emergent wetland evident in location of Wetland B. Wetland A located between Erie Canal and Mohawk River. Wetland A evident.**

or  Other (Name & Date):

Previous determination(s). File no. and date of response letter: **2001-00890 preliminary JD September 11, 2009 which included 2009 site visit.**

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.**

**BROWN.BRIDGE**  
**T.E.1228717084**  
Digitally signed by  
BROWN.BRIDGE.T.E.1228717084  
DN: c=US, o=U.S. Government, ou=DoD,  
ou=PKI, ou=USA,  
cn=BROWN.BRIDGE.T.E.1228717084  
Date: 2014.01.21 10:03:41 -05'00'

Bridget E. Brown

Signature and date of  
Regulatory Project Manager  
(REQUIRED)

\_\_\_\_\_  
Steve DiMeo

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

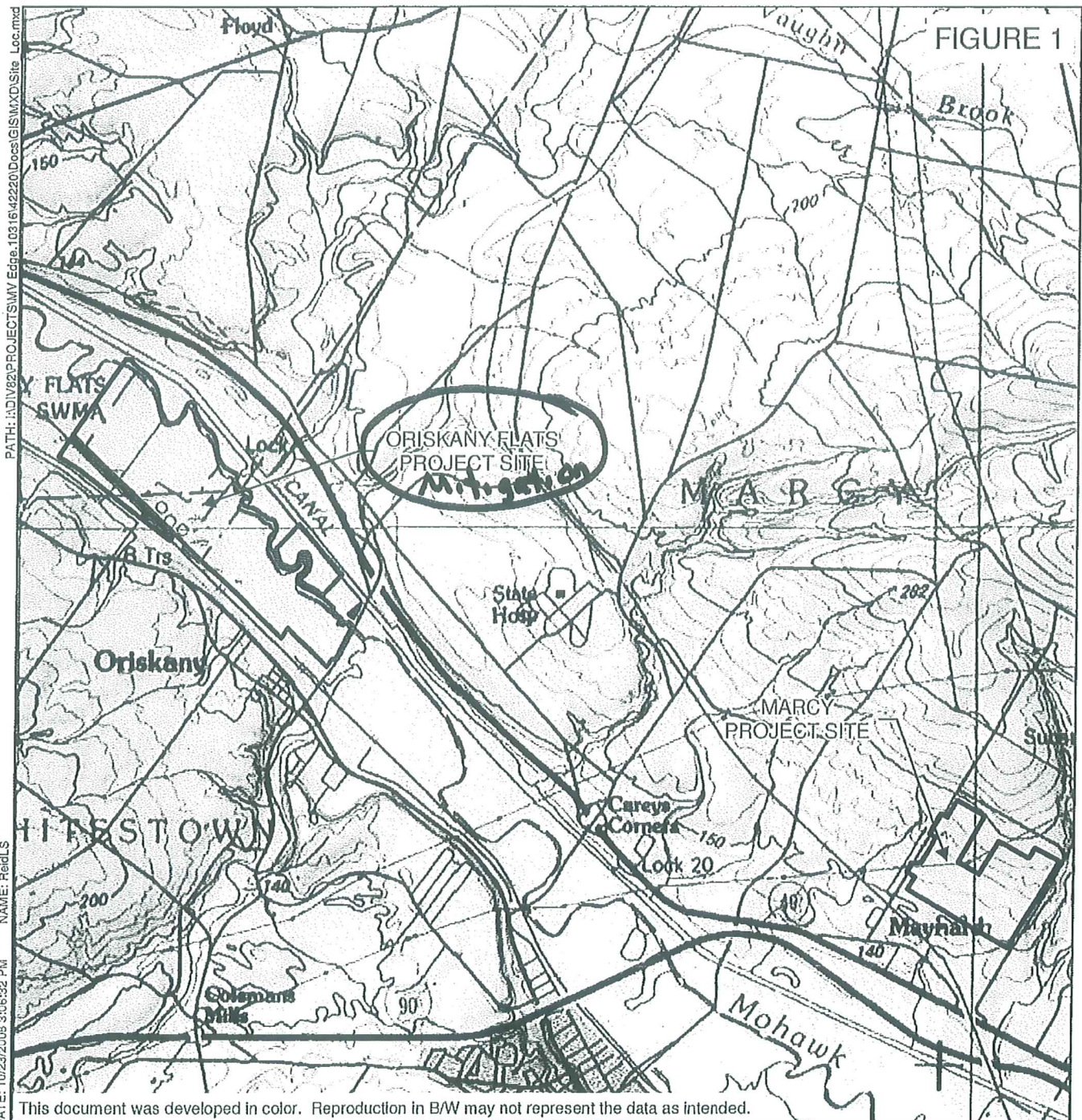


**MVEDGE, USACE # 2001-00890**

Federal wetland/streams in JD review area – Oriskany Flats WMA, Marcy, New York

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
OFWMA Wetland A (forested creation area)	43°10'13.35 "N	75°19'42.63" W	PEM	1.9 acres	non-section 10 - wetland
OFWMA Wetland A (forested creation area)	43°10'13.35 "N	75°19'42.63" W	PSS	0.9 acres	non-section 10 - wetland
OFWMA Wetland B (enhancement area)	43°10'47.74 "N	75°21'22.53" W	PEM	58± acres	non-section 10 - wetland
OFWMA - Stream (enhancement area)	43°10'43.99" N	75°21'19.93" W	Riverine/ perennial	2,300 feet	non-section 10 - non-wetland





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**MOHAWK VALLEY EDGE**  
**ORISKANY FLATS**  
**WETLAND MITIGATION**  
**ORISKANY FLATS, NEW YORK**

**LEGEND**

-  SITE AREA / NYSDEC WILDLIFE MANAGEMENT AREA
-  MARCY PROJECT SITE



MAP LOCATION

**SITE**

Mohawk Valley Edge  
 USACE #2001-00890 (PJD - OFWMA)  
 Oneida County, New York  
 South Trenton, NY Quad

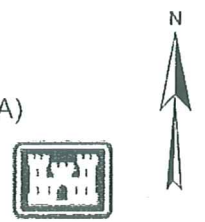




FIGURE 2A



- LEGEND**
- PERENNIAL STREAM
  - JO REVIEW AREAS
  - ▨ WETLAND B- EMERGENT WETLAND ENHANCEMENT AREA
  - MITIGATION ACCESS (HAUL) ROUTE



MOHAWK VALLEY EDGE  
 MARCY NANOCENTER  
 ORISKANY FLATS WMA  
 ORISKANY FLATS, NEW YORK

**JURISDICTIONAL  
 DETERMINATION  
 WMA WETLAND B AND  
 PERENNIAL STREAM**



JANUARY 2014  
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Mohawk Valley EDGE  
 USACE #2001-00890 (PJD - OFWMA)  
 Oneida County, New York  
 South Trenton, NY Quad



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