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October 6, 2026

VIA EMAIL AND FEDERAL EXPRESS

Town of Saugerties Planning Board
Attn: Becky Bertorelli, Planning Board Secretary
Saugerties Town Hall
4 High Street
Saugerties, NY 12477

RE: KCE NY 34, LLC - Site Plan Review and Special Use Permit
Project Located: 7 Tomsons Road (SBL 18.1-4-5.100)
Submission for the October Planning Board Meeting

Dear Ms. Bertorelli:

Our office serves as local counsel to KCE NY 34, LLC. Please find enclosed nine (9) copies of KCE NY 34, LLC's October submission documents.

Very truly yours,



E. Hyde Clarke, Esq.

cc: Paul Williamson, KCE NY 34, LLC (email only)
Amanda Stank, EDR (email only)
Robin James (email only)

October 6, 2026

KCE NY 34 LLC Response to Nelson Pope Voorhis (NPV) Memorandum
Dated September 11, 2026

NPV Memorandum Sent To: *Howard Post, Planning Board Chair*
Members, Saugerties Planning Board

Sent From: *Adriana Beltrani, AICP*
Dylan Tuttle

Re: KCE NY 34 LLC, 7 Tomsons Road, #150, SBL 18.1-4-5.100

New comments are in **bold**. Prior comments that remain relevant are underlined. Previously addressed comments where no further action is required have been removed for clarity and can be found on prior memos.

Please note that all KCE responses are in red.

We are in receipt of the following items:
• Comment Response Letter to NPV Memo, dated August 21, 2026;
• Comment Response Letter to Brinner and Larios SWPPP Memo, dated August 21, 2026;
• EAF Part 1, prepared by Paul Williamson, dated August 13, 2026;
• Alternate Stormwater Management Documentation: o DEC Letter Discussing Alternate SWM, dated January 20, 2017;
o EDR Memo Discussing Alternate SWM, dated February 20, 2016;
o EDR Alternate SWM Details, dated February 25, 2016;
o National Grid Alternate SWM Letter, dated February 25, 2016;

• Geotechnical Report, prepared by Atlantic Testing Laboratories, dated July 30, 2026;
• Plume Analysis, prepared by Fire and Risk Alliance, dated July 21, 2026;
• SWPPP, prepared by EDR, dated August 2026;
• Adjacent Property Value Impact Report: Site Specific Analysis, prepared by CohnReznick, dated July 21, 2026;
• Adjacent Property Value Impact Report: Academic and Peer Authored Property Value Impact Studies, prepared by CohnReznick, dated July 21, 2026;
• Site Plan (22 Sheets), prepared by EDR, dated April 3, 2026, last revised August 12, 2026.

Previously reviewed items are enumerated in prior memoranda.
The proposed project includes the construction of a 100MW/400MWh battery energy storage system (BESS) with associated transformer, breakers, and fencing on a 59-acre parcel that gains access from Tomsons Road. The project is located within the Industrial district and the Aquifer Protection Overlay district, and the use is permitted with site plan and special use permit as Electric, Gas and Sanitary Services.

New comments are in **bold**. Prior comments that remain relevant are underlined. Previously addressed comments where no further action is required have been removed for clarity and can be found on prior memos.

Submission Status 9/15:

1. Application Status. Our understanding is that at this point, the applicant has submitted drafts of all of their application materials. Our comments on the newly-submitted materials can be found below. The Town has hired Code Red Consulting to conduct an independent safety analysis of the project. Code Red is in the process of reviewing materials, including the Draft ERP and Plume Study. Our understanding is that they will issue a memo in the coming weeks and intend to present to the Planning Board at the October meeting.
2. The Town Engineer provided comments on the SWPPP in a memo dated July 17th, 2026. A meeting to discuss the comments was held with the applicant on August 11th, and a revised SWPPP is included with this submission. We continue to defer to the engineer on these issues.
3. Several legal instruments will need to be evaluated by the Planning Board attorney, including the decommissioning plan and land agreement/site control documentation. The applicant previously stated that an updated title report was being prepared, and we do not believe this has been submitted. Available materials should be forwarded to the attorney at this time.

KCE Response: The most recent Title Commitment report was received on 9/2/2026 and has been attached with this submission as *KCE NY 34 Title Commitment 2026.09.02*.

4. An updated ecology memo is attached herein. All outstanding comments on ecology issues are minor, including the seed mix and incorporation of the vernal pool analysis into the Wetland and Stream Delineation Report.
5. The Board should discuss the timeline for scheduling a public hearing on this matter given the completeness of the application to date.
6. We recommend that the application be referred to Ulster County once the memo from Code Red has been received by the Board.

Zoning

1. The project requires a Special Use Permit and is thus subject to §245-34. Of particular importance to this review is D(2)(b), Fire and explosion hazards; (2) (g) and (i) Smoke and other forms of air pollution; (j) discharge of water. We note that concerns related to these topics relate exclusively to emergency hazard scenarios. The applicant provided a response to Special Permit considerations in their initial cover letter, and exploration of these topics will continue through the State Environmental Quality Review of the project. Specific Special Permit comments are as follows:

a. Noise: **9/15 – The applicant has provided a revised sound study. Comments on the first sound study can be found in previous memos. We find the revised sound study to be thorough and largely acceptable. The project meets the statutory requirement of 70 dBA at the property line as required by §245-34. We offer the following summary and comments:**

i. The study captured existing ambient sound through two long-term monitors on the applicant's property and three short-term (20 minute) monitors at nearby sensitive receptor sites (Abbots Court, Country Meadows Apartments, and Old Route 32 in front of the Holiday Inn Express). Ambient sound was recorded in the high 40s-low 50s dB range during the day except for the Country Meadows and Old Route 32 locations, where it was about 60. Overnight readings were in the mid 40s except for Old Route 32, where it was in the mid 50s. When modeled sound from the BESS is added, these values only increase by 0-2 dB, except for the North Street location which registered an increase of 8dB (discussed below). As the report states, sound changes begin to be perceptible around 3 dB and become clearly noticeable around 5dB.

ii. The study uses a worst case scenario approach in which the HVAC is operating at full power as though it were a very hot day, while also assuming ideal sound travel conditions like one would find on a cool night.

iii. The study recorded an existing ambient nighttime level of 44 dBA for the short-term (20 minute) sensor near North Street. This low ambient level means that the modeled sound from the BESS has the potential to raise the ambient noise by as much as 8 dB, to 52, which is a noticeable change. The measurement at the closest long-term station was quite low during

this period compared to its average, therefore, ambient sound at the short-term station may be closer to 50, and the dB difference when the BESS is added likely closer to 3 or 4 on average. The Board could request more information about the frequency with which existing ambient sound falls to a level that would render the project audible, or could request additional sound barriers on the eastern fence line. We suggest, however, that a sound level of 52 dB is unlikely to be intrusive even if it were perceptible, especially given the worst case scenario of the modeling, and is well below the Town's statutory requirement.

iv. Does the study take trees/foliage into account? Based on the modeling results it appears that buildings are taken into account, but it is not clear whether trees are.
KCE Response: The model does not take credit for the potential sound attenuation provided by trees or foliage. It also does not take credit for screening from existing buildings. These assumptions are conservative because any sound attenuation provided by those features would further reduce modeled sound levels, not increase them.

v. In a few places the study refers to "ML1" and "ML2" locations instead of LT1/2.
KCE Response: These were typos. In each case, "ML" should be interpreted as "LT."

b. In their cover letter, the applicant states that the project would have no impact on Smoke/Odors/Other Forms of Air Pollution or Discharge of Water, but the response should consider emergency hazard scenarios and should note where in the Safety, Fire, and Explosion Prevention documents these issues are addressed. This should be included in a SEQR Part 3 response once the Part 2 EAF is adopted. 4/21 – The applicant has provided a response to this comment in their April 7, 2026 response letter. As noted above, this issue will also be addressed in a SEQR Part 3.

c. Established best practices for BESS should be considered by the Board during their Special Use Permit evaluation. We note that the Planning Board may "impose additional conditions and safeguards upon the special use permit as may be reasonably necessary."

d. 9/15 new comment – The applicant has provided an "Adjacent Property Value Impact Report" with their submission. Impact on property values is a component of the "compatibility with the surrounding neighborhood" component of Special Permit requirements [§245-34 A (2)]. We offer the following comments on the report for the Board's consideration:

i. The report does not find any decrease in property values for homes located near a BESS facility.

ii. However, there appears to be limited research on the impact of BESS on property values, which is unsurprising given the recency of rollout at scale. The report relies on one undergraduate thesis that examined 178 BESS sites; examination of sales near five specific BESS installations by the report authors; and interviews with assessors with BESS in their districts. The authors also cite findings of no impact near solar energy facilities as further evidence that a decrease in values near BESS is unlikely.

iii. Nearly all of the reviewed BESS installations are smaller than the KCE proposal, with many in the 1-20MW range. Only one (the 200MW Diablo Energy BESS in California) is larger than the proposed facility.

iv. Many of the reviewed facilities are significantly more visible than the KCE proposal and are closer to residences. We suggest that the natural screening of the Saugerties project is likely to reduce potential impacts on property values.

2. §245-25, Aquifer Protection Overlay District. The applicant should provide a narrative regarding project compliance with this section, including any hazards to the aquifer associated with an emergency event- see subsection D.(3), particularly subsection (e), (f), (h). The Board should be aware that D.(4) of this section outlines criteria for site plan review.

4/21 –The applicant has provided an Aquifer Protection District compliance narrative that addresses §245-25 and includes a list of system chemicals. We will evaluate compliance with this section as SEQR progresses.

9/15 - We request that the applicant update the compliance narrative for clarity and completeness:

a. Correct the numbering of section D (3) to match the code section, with "NA" for any subsections that do not apply.
b. Distinguish the responses to each subsection rather than grouping them at the end of the narrative
KCE Response: The Aquifer Compliance Narrative has been updated so all sections align with the Town Code and the revised version is attached with this submission package as *NY 34 Compliance with Aquifer Protection District 2026-9-25*.

The project is not prohibited in the Aquifer Overlay district and regular operation of the facility does not appear to conflict with any provisions of §245-25. Concerns are specific to potential runoff from an emergency event. Code Red intends to discuss this topic in their memo, and we will work with them to determine whether any additional information or expert input is needed.

Planning/Site Plan
1. The applicant has provided two options for the connection to the Central Hudson substation. Option one includes a portion of underground utilities to connect to overhead lines crossing through a small portion of the federal wetlands, with a note that tree removal in this area would be non-mechanical, with stumps to remain. Option two is a fully underground connection that avoids the wetlands. The applicant should provide documentation to the Board outlining the rationale for each option. Wetland and tree disturbance should be minimized to the maximum extent practical per §245-35, special use permit criteria. *3/17- The applicant has clarified that their preference is Option Two, but because of the proximity of that connection to the substation they had to provide Central Hudson with an alternative that gave a wider berth. Will the easement area be adjusted if Option Two is selected? 4/21 – Comment addressed, applicant is still awaiting a decision from Central Hudson.*

2. Applicant states that they have secured access to the site through parcel number 17.16-2-25.110. Documentation should be provided. *3/17- Comment remains, copies of agreements*

and deed records should be provided. 4/21 – Comment addressed, we defer to the attorney on the details of the easements and agreements.

3. A decommissioning plan has been provided. We will work with the Planning Board Attorney to review and comment regarding the conditions of same, bonds, agreements or other sureties to be submitted.

4. Utilities are proposed to cross a Central Hudson right-of-way- does this require an easement? *3/17: Comment remains, applicant states that a crossing agreement application has been submitted to Central Hudson.*

5. Sheet C-001, C-002- the area of tree disturbance should be quantified on the plan set. [Prior comments removed for brevity] *7/21 – As noted above, the tree survey has been included in the plan set with this submission and is being reviewed by our ecologist.* **9/15 – The ecologist's review memo is attached and finds that the provided tree survey resolves this comment.**

6. The applicant has provided a desktop viewshed analysis. The legend includes points that are not shown on the map. It is unclear what this analysis is showing and what methods were utilized in its determination- this document should be updated. *3/17: Comment remains. 4/21 – The applicant has provided an updated visual assessment. The submission is a desktop analysis using a Digital Surface Model, which uses LIDAR to make a 3D rendering of site conditions and allows for a desktop visual assessment that considers trees, buildings, etc., and not just topography. This is likely a more accurate approach, but a less conservative one than the simpler digital elevation model. The result indicates limited project visibility, with some view lines in the Route 32/Kings Highway area and a few points near Augusta Savage Rd (Winston Farms project). Note that in many of these locations only the tallest project components (such as transmission poles) would be visible. 7/21 – The visual analysis report was included again with this submission, but it is not clear that anything was updated besides the date. The applicant should note if there was a substantive reason for the resubmission.* **9/15 – The applicant states that the only change is the inclusion of the sound wall, which does not have an effect on the visual analysis**

7. The applicant is proposing light poles that are no higher than 30 feet. Best practice is a maximum height of 18 feet for non-pedestrian areas. We do understand that these lights will only be used during maintenance. Regardless, a lighting plan should be provided. *3/17: Comment remains. 4/21 – The applicant has provided a lighting plan. Fixtures are dark-sky*

compliant, but the 3,000K option should be selected. Lights are still proposed at 30 feet. Given that these fixtures are only for use during maintenance, we do not have a strong opinion on the height. 5/19 – The applicant has indicated that they will use the 3,000K option. This should be updated on the lighting plan. 6/16 – Comment remains, a new plan set has not yet been submitted. 7/21 – Comment addressed.
9/15 new comment – Our understanding is that security cameras at BESS facilities are regulated by NYS Fire Code section 1207.4.9.1 and NFPA 731 Section 7.3. The applicant should confirm that the project will meet these standards without constant lighting and explain how it will do so. We also recommend that a note be added to the plan that security cameras will be provided in accordance with applicable regulations.
KCE Response: Please see the attached memo titled *KCE NY 34 Memo Security Cameras and Lighting.pdf*. The Plan has been updated accordingly with the recommended note added to drawing G-002 (General Notes and Abbreviations) as Site Civil Note 30. Revised drawing G-002 is included with this submission.

8. Survey comments:
    a. General note 7 states that the parcels have "access to a dedicated public right-of-way known as Tomsons Road." The access easement shown on the survey only extends part of the way down Tomsons Road, though the entirety is on private property. The applicant should clarify the status of the road from the end of the access easement to the road's intersection with Route 32 and provide any appropriate documentation. We note that the proposed Esopus Ridge solar project includes an easement that runs the length of Tomsons Road. *4/21 – Comment addressed. We recommend the easement be provided to the Planning Board Attorney for review.*
    b. The survey includes a set of green lines labeled "Access Easement Lines" in the legend. Given that easements are proposed for this project, it would be helpful if the survey specified any easements that are associated with other developments and listed to whom they were granted. *4/21 – Applicant states that they have requested an updated title report and will add any newly-recorded easements to the survey.*

9. The lease area, the easement area between the lease area and the substation, and the access easement that runs along part of Tomsons Road are all described on Page 2 of the survey. As noted above, we are awaiting clarification on the status of the remainder of Tomsons Road between the access easement area and Route 32. Copies of agreements and deed records should be provided. *4/21 – Comment addressed. We recommend the easement be provided to the Planning Board Attorney for review.*

10. The applicant should provide a photometric plan and light fixture spec sheets. As noted in the Planning best practice comments below, fixtures should be full cut-off and light trespass onto neighboring properties should be strictly limited. *4/21 – Comment addressed. Fixtures selection should be adjusted to the 3,000K option. As noted above, we do not have a strong opinion on the height given that the lights are turned on for maintenance only. 5/19 – As noted above, the lighting plan should be updated to reflect 3,000K fixtures. 6/16 – Comment remains, a new plan set has not yet been submitted. 7/21 – Comment addressed.* **9/15 – On further review of the plans, the displayed photometric values are limited to certain parts of the site. Some areas, including directly beneath some of the light fixtures, have no displayed values. The plan should be updated to show values for all illuminated areas.**
KCE Response: Drawing sheet C-104 (Photometric Plan) has been updated accordingly.

11. Sheet C-101/201/301: The applicant should clarify the "battery containers and MV transformers for future augmentation" shown at the north end of the site. Is this an area for future expansion? If so, how much capacity could be added, what would trigger the expansion, and how will that be built into the emergency response documents? If expansion is built into the project, the special use permit review and SEQR should consider future phases of the project if they can be reasonably anticipated. The threshold for any site plan/SUP amendments needs to be clearly understood. *4/21 – Applicant states that this area is to accommodate additional batteries to account for the lower efficiency of batteries on the site over time. As batteries become less efficient, the applicant could supplement them in order to remain at the 100MW capacity. Will the augmentation containers and transformers be constructed at the same time as the rest of the project? 5/19 – Applicant clarifies that containers and other equipment would be constructed later. They are seeking plan approval for that now to avoid needing to come in for a site plan amendment. The Board should determine whether they are comfortable approving a multi-phase plan. If the Board retains a BESS consultant, it may wish to get input on whether this approach is advisable, and what future review would be required pursuant to the Fire Code at the time of future installation. 6/16 – Comment remains and should be discussed by the Board, potentially with a hired BESS safety specialist.*

12. **9/15 New comment – The applicant has included a geotechnical report with the submission. We offer the following comments on the report:**

a. **The report mentions several support techniques, including helical piles, spread footings, drilled piers, etc., noting that helical piles (which the report says**

are the standard treatment for BESS facilities) may not be appropriate for the site given the variable depth to bedrock. What is the applicant proposing? A detail should be included in the plans.
KCE Response: The presence of bedrock precludes the use of helical piles; however, based on the geotechnical report data, it does not pose a significant construction challenge for the installation of concrete foundations, whether spread footings or drilled piers, at this site. The final detailed construction design, including the specific concrete foundation type, will be completed by the project EPC contractor at the appropriate stage of the project's design and construction process.

b. Given the site's mapped Onondaga Formation limestone, historical mining in the vicinity, and the highly variable bedrock elevations and locally very poor rock quality identified in the geotechnical report, the applicant should provide a supplemental evaluation addressing the potential for subsurface voids, karst features, mine workings, and associated subsidence or collapse. The evaluation should identify whether the existing investigation is sufficient to address these concerns and, if not, recommend and undertake appropriate additional investigation.
KCE Response: The applicant/owner (KCE) and EDR (engineer) have fully reviewed the existing Geotechnical Investigation Report prepared for the project site, including the concerns identified in this comment regarding subsurface voids, karst features, mine workings, and associated subsidence or collapse. The boring logs did not identify any active karst hazards, and no geomorphic indicators of active karst topography were observed on or immediately adjacent to the property. Based on this information, KCE and EDR believe that the existing investigation adequately addresses the concerns identified in this comment and that additional field exploration or investigation is not warranted at this time.

SEQR/Coordination 9/15
1. The applicant submitted an updated EAF with the new questions pertaining to disadvantaged communities and climate change. We have similarly prepared an updated EAF Part 2. We made the following changes to the draft EAF Part 2 first provided to the Board in May:

a. Section 10, "Impact of Historic and Archaeological Resources," is now marked "Yes," as the site is in an area designated as sensitive for archaeological sites. The subcategories under this topic are all marked "No, or small impact may occur," as the State Historic Preservation Office has issued a letter of no impact for the project.

b. Section 18, “Community Character,” is now marked “Yes,” and subcategory b, concerning increased demand for services, is marked as “Moderate to large impact may occur” to better ensure that potential concerns about emergency services needs are considered.

c. Section 19, “Disadvantaged Communities,” is marked “Yes,” as the site is within half a mile of the DAC covering most of the Village. Subcategories a and f.ii are marked “Moderate to large impact may occur.”

d. Section 20, “Future Physical Climate Risks,” is marked “No,” as the FEAF Part 1 indicates no potential impacts in this category.

The Board could consider adoption of the Part 2 at this time.

2. As noted above, we suggest that Ulster County referral be made once the review memo from Code Red Consulting is received.

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CONFIRMATION

Order Date: 12/31/2024

Title Number: **71196214/81316753**

Applicant:

Elizabeth H. Smith
Thomas Title & Escrow
3100 McKinnon Street, Suite 170
Dallas, TX 75201
Phone: (214) 295-6108

bhsmith@thomastitle.com

Property Information:

Saug Manor Rd Off , Saugerties, NY
Ulster
Section: 18.1
Block: 4
Lot(s): 18.110

7 Tomson Road , Saugerties, NY
Ulster
Section: 18.1
Block: 4
Lot(s): 5.100

Tomsons Rd, Saugerties, NY
Ulster
Section: 17.16
Block: 2
Lot(s): 25.120

Transaction Information:

Full Search No Insurance
Fee Liability: $0.00
Mortgage Liability: $0.00

Parties:

Purchaser(s): KCE NY 34, LLC

Seller(s): KMP Realty Holdings II

Municipal Searches Ordered: Tax

Notes: 2105NTL- Ulster

Thank you. We appreciate your business!

140 East 45th Street 33rd Floor
New York, NY 10017

100 Motor Parkway
Suite 500
Hauppauge, NY
11788

Certificate and Report of Title Issued By

STEWART TITLE

INSURANCE COMPANY

This Company certifies to the proposed insured named in the Schedule A-Certification herein that an examination of title to the premises in the Schedule A-Description has been made in accordance with its usual procedure and agrees to issue its standard form of fee, leasehold and or mortgage title insurance policy in favor of the proposed insured, covering the premises in the Schedule A-Description, in the amounts hereinafter set forth, insuring such interests and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy.

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Countersigned by:

Craig Goldenberg
Division President

STEWART TITLE INSURANCE COMPANY INCORPORATED 1987 NEW YORK

John Frates
President and General Counsel

David Hisey
Secretary

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NY METRO KEY PERSONNEL

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SCHEDULE A – DESCRIPTION

SCHEDULE B

MORTGAGE SCHEDULE

TAX SEARCH

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MULTIPLE EXCEPTION AFFIDAVIT

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PRIVACY POLICY NOTICE

REPORT OF CLOSING

Note: The above are clickable links to sections within this document

Title Number: 71196214/81316753

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stewart TITLE

Title Number: 71196214/81316753

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Name of customer(s), consumer(s) and/or their representative(s):

Elizabeth H. Smith
Thomas Title & Escrow
3100 McKinnon Street, Suite 170
Dallas, TX 75201

Date: 3/2/2022

stewart TITLE

Title Number: 71196214/81316753

TITLE & CLOSING NOTES

COMPANY FEES

Company fees and/or escrow must be paid in bank or certified check or by wire (no ACH). **No personal checks over $500.00 will be accepted unless approved prior to closing.** No second party checks or checks from parties not directly involved with the transaction will be accepted, nor will a transaction be insured when proceeds are being paid to parties not directly involved in the transaction.

PHOTO IDENTIFICATION

Proof of identity must be established for all persons executing instruments at closing to the satisfaction of the Company. Parties should present two (2) forms of identification, at least one of which is to contain a photograph.

ADDRESSES

Addresses given herein are taken from the public record and are not guaranteed.

UCC FINANCING STATEMENTS FILED IN NYS

Unless specifically requested, our examination does not include a search of UCC Financing Statements affecting personal property at the Department of State in Albany. Additional search fees will apply.

NEW YORK CITY ACRIS

The NYC Register requires that certain forms submitted in connection with the transfer of real property in Bronx, Brooklyn, Manhattan, Queens and Staten Island be completed using the Automated City Register Information System ("ACRIS"). This includes the City's Real Property Transfer Tax Return ("RPTT"), the NYS Real Estate Transfer Tax Return ("TP-584"), the NYS Real Property Transfer Report ("RP5217-NYC"), the Affidavit of Compliance with the Smoke Detector requirement, the Customer Registration Form for Water and Sewer Billing, and the Property Owner Registration Form. These forms, except for the Property Owner Registration Form, must be printed from ACRIS. These documents must be provided at closing or the ACRIS Prep Request form included in this report must be completed and submitted to the Company 48 hours prior to closing. An ACRIS prep fee will apply. NOTE: If Stewart is not preparing ACRIS, kindly assign the ACRIS docs by hitting "Transfer Transaction to another Customer Profile" and entering email: **nymetrorecordings@stewart.com** and customer profile: STICWP.

RP-5217-PDF

Most counties now require the bar-coded PDF form RP-5217 Real Property Transfer Tax Report. Form RP-5217-PDF must be printed on legal size paper (8.5" x 14") and requires the signature of a seller and a purchaser to the transaction or designated agent. Handwritten additions or changes must be minimal or the Clerk may not accept the RP-5217-PDF.

TP-584 (9/19)

The TP-584 (9/19 version) is the only form that will be accepted (outside NYC) and requires the signature of ALL sellers and ALL purchasers to the transaction or designated agent. The names on the TP-584 and instrument to be recorded must be identical. If a POA is used to sign the TP-584, a copy of that POA must be submitted as well.

IT-2663

Tax Law § 663 imposes filing and payment requirements on non-resident individuals, estates or trusts selling or transferring a fee simple interest in real property located in New York (other than the sale of a principal residence as that term is defined in Section 121 of the Internal Revenue Code). Section 663 requires those sellers to file a return (Tax Form IT-2663) and pay estimated income tax liability on the gain, if any, from such sale or transfer. Payment of said tax (separate check payable to the order of "**NYS Income Tax**"), or proof of exemption for said payment, must accompany any deed that is submitted for recording. The current year's form and instructions can be obtained from www.tax.ny.gov.

WESTCHESTER PREP

For transfers of real property in Westchester County, the Westchester County Clerk requires that the NYS Real Property Transfer Report ("RP-5217") and the NYS Real Estate Transfer Tax Return ("TP-584") be completed though its Property Records Electronic Portal (PREP) System. These documents must be provided at closing or the Westchester PREP Request form included in this report completed and submitted to the Company 48 hours prior to closing. A Westchester PREP fee will apply.
NOTE: If Stewart is not preparing, kindly assign the PREP docs to STNYMETRO1.

SCHEDULE A – CERTIFICATION

Effective Date: 4/16/2026

Acceptance of this report shall evidence agreement with the Company that **NO INSURANCE IS TO BE ISSUED THEREON**, and that in consideration of the limited charges therefore, the liability of the Company for any negligence, errors or omissions with respect to the contents thereof is limited to the charges paid therefore.

THIS COMPANY CERTIFIES that a good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this certificate is vested in:

KMP Realty Holdings II a/k/a KMP Realty Holdings II LLC

Source of Title: Deed from Top Universe, LLC to **KMP Realty Holdings II (a/k/a KMP Realty Holdings II LLC)**, dated 8/7/2015 and recorded 8/7/2015 in Instrument No.: 2015-10008.
(Covers premises herein and more)

Premises described herein are known as: **Saug Manor Rd Off**
Saugerties, NY
Tomsons Rd,
Saugerties, NY

County: **Ulster**
Municipality: **Saugerties**

Parcel 1

Section: **18.1**
Block: **4**
Lot: **5.100 and 18.110**

Parcel 2

Section: **17.16**
Block: **2**
Lot: **25.120**

For Legal Contact:
Gerard F. Canavan, Esq.
(914) 993-9393
gcanavan@stewart.com

SCHEDULE A – DESCRIPTION

PARCEL I (Tax Lot 5.1000):

ALL that certain plot, piece or parcel of land located in the Town of Saugerties, County of Ulster and State of New York being more particularly bounded and described as follows:

Beginning at a recovered iron bar on the Southerly side of Peoples Road, said point also being at the Northwesterly corner of lands of Michael & Sharon Brontoli, Liber 2485 Page 157, and running:

1. THENCE from said point of beginning along the Westerly line of lands of Brontoli the following courses and distances: South 31 degrees 53 minutes 44 seconds West, 50.08 feet to a point;

2. THENCE South 52 degrees 12 minutes 24 seconds West, 69.63 feet to a blazed 14-inch cedar;

3. THENCE South 64 degrees 52 minutes 24 seconds West, 110.93 feet to a point;

4. THENCE South 48 degrees 52 minutes 14 seconds West, 24.00 feet to a point;

5. THENCE South 46 degrees 38 minutes 16 seconds East, 17.25 feet to a point;

6. THENCE South 31 degrees 50 minutes 54 seconds West, 53.21 feet to a blazed 20-inch cedar;

7. THENCE South 25 degrees 35 minutes 14 seconds West, 144.93 feet to a blazed 14-inch cedar;

8. THENCE South 24 degrees 18 minutes 44 seconds West, 234.00 feet to a blazed 12-inch oak;

9. THENCE South 34 degrees 52 minutes 34 seconds West, 90.17 feet to a blazed 6-inch ash;

10. THENCE South 45 degrees 12 minutes 14 seconds West, 138.36 feet to an iron bar;

11. THENCE South 1 degree 16 minutes 36 seconds East, 439.64 feet to an iron bar on the Westerly line of lands of Ann Marie Joyce, Liber 2420 Page 155;

12. THENCE along the Westerly line of lands of Joyce, and a wire fence, South 35 degrees 38 minutes 26 seconds West, 260.70 feet to a fence post in a stone wall at the most Northerly corner of lands of Smedek & Guess, Liber 2378 Page 46;

FOR CONVEYANCING ONLY: **TOGETHER** with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

13. THENCE along lands of Smedek & Guess, the following courses and distances: South 62 degrees 43 minutes 25 seconds West, 135.04 feet to a blazed 10-inch hickory with wire;

14. THENCE South 77 degrees 45 minutes 25 seconds West, 91.15 feet to a blazed 10-inch maple with wire;

15. THENCE continuing along lands of Smedek & Geuss and a wire fence the following courses and distances: South 81 degrees 29 minutes 44 seconds West, 56.34 feet to a point;

16. THENCE South 54 degrees 17 minutes 33 seconds West, 41.18 feet to a point;

17. THENCE South 43 degrees 05 minutes 37 seconds West, 64.95 feet to a point;

18. THENCE South 55 degrees 48 minutes 52 seconds West, 51.16 feet to a blazed 18-inch pine with wire;

19. THENCE South 67 degrees 34 minutes 43 seconds West, 70.95 feet to an 8-inch tree with wire;

20. THENCE South 75 degrees 56 minutes 41 seconds West, 82.76 feet to a blazed tree;

21. THENCE South 66 degrees 52 minutes 53 seconds West, 114.70 feet to a 4-inch tree with wire;

22. THENCE South 74 degrees 24 minutes 42 seconds West, 59.07 feet to a 12-inch tree with wire;

23. THENCE South 80 degrees 06 minutes 08 seconds West, 87.67 feet to a blazed 8-inch pine;

24. THENCE South 88 degrees 08 minutes 52 seconds West, 117.16 feet to a 10-inch dead cedar with wire;

25. THENCE South 59 degrees 11 minutes 31 seconds West, 128.24 feet to a blazed 12-inch cedar with wire;

26. THENCE South 11 degrees 10 minutes 02 seconds West, 82.43 feet to a fence post in a stone wall;

27. THENCE along a stone wall, South 22 degrees 44 minutes 41 seconds West, 92.55 feet to an angle point in said wall;

28. THENCE still along a stone wall, South 45 degrees 02 minutes 39 seconds East, 96.39 feet to a point in said wall;

29. THENCE continuing along a stone wall and wire fence, South 48 degrees 17 minutes 29 seconds East, 277.51 feet to a tree with wire;

FOR CONVEYANCING ONLY: **TOGETHER** with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

30. THENCE South 44 degrees 27 minutes 26 seconds East, 263.27 feet to an iron bar in a stone wall at a fence post;

31. THENCE along a stone wall and the remains of a wire fence the following courses and distances: South 46 degrees 11 minutes 26 seconds West, 118.09 feet to a fence post in a stone wall;

32. THENCE South 36 degrees 08 minutes 35 seconds West, 255.96 feet to an old cedar stump with wire;

33. THENCE South 46 degrees 43 minutes 46 seconds West, 111.46 feet to a fence post;

34. THENCE South 51 degrees 34 minutes 27 seconds West, 96.64 feet to a fence post;

35. THENCE South 48 degrees 15 minutes 59 seconds West, 66.41 feet to an iron bar in the remains of a stone wall on the Northeasterly line of other lands to be conveyed to KMP Realty Holdings II LLC, a 14.449-acre parcel;

36. THENCE along the remains of a stone wall and said 14.449-acre parcel, the following courses and distances: North 51 degrees 40 minutes 47 seconds West, 77.60 feet to a point;

37. THENCE North 47 degrees 01 minute 47 seconds West, 149.95 feet to a point;

38. THENCE North 46 degrees 11 minutes 17 seconds West, 325.60 feet to the end of a stone wall;

39. THENCE North 51 degrees 05 minutes 07 seconds West, 65.53 feet to a point;

40. THENCE North 5 degrees 05 minutes 07 seconds West, 22.16 feet to a point;

41. THENCE North 0 degrees 28 minutes 10 seconds West, 49.81 feet to a point;

42. THENCE North 11 degrees 47 minutes 30 seconds West, 55.67 feet to a point;

43. THENCE North 22 degrees 31 minutes 50 seconds West, 23.69 feet to a point;

44. THENCE North 54 degrees 07 minutes 00 seconds West, 51.32 feet to a point;

45. THENCE North 38 degrees 28 minutes 30 seconds West, 40.98 feet to a point;

46. THENCE North 41 degrees 23 minutes 40 seconds West, 22.69 feet to a point;

47. THENCE North 32 degrees 45 minutes 42 seconds West, 62.61 feet to a point;

FOR CONVEYANCING ONLY: **TOGETHER** with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

48. THENCE North 21 degrees 03 minutes 50 seconds West, 41.97 feet to a point;

49. THENCE North 29 degrees 01 minute 10 seconds West, 27.83 feet to a point;

50. THENCE South 78 degrees 30 minutes 40 seconds West, 65.08 feet to a point;

51. THENCE South 50 degrees 20 minutes 00 West, 11.49 feet to a point;

52. THENCE South 71 degrees 32 minutes 20 seconds West, 50.25 feet to a point;

53. THENCE South 72 degrees 57 minutes 20 seconds West, 26.62 feet to a point;

54. THENCE South 78 degrees 26 minutes 40 seconds West, 123.08 feet to a point;

55. THENCE South 86 degrees 52 minutes 20 seconds West, 51.20 feet to a point;

56. THENCE South 89 degrees 57 minutes 20 seconds West, 68.73 feet to a point at the Most Easterly corner of lands of Central Hudson Gas & Electric Corp., Liber 5139 Page 232;

57. THENCE along the Easterly line of lands of Central Hudson Gas & Electric Corp., the following courses and distances: North 21 degrees 22 minutes 53 seconds West, 117.92 feet to an angle point in a stone wall;

58. THENCE North 43 degrees 06 minutes 12 seconds West, 24.49 feet to an iron bar at an intersection of stone walls at the Southeasterly corner of other lands to be conveyed to KMP Realty Holdings II LLC, a 52.578 acre parcel;

59. THENCE along said 52.578 acre parcel, the following courses and distances: North 53 degrees 39 minutes 21 seconds East, 32.88 feet to the end of a stone wall;

60. THENCE North 63 degrees 15 minutes 16 seconds East, 48.79 feet to a tree with wire;

61. THENCE North 43 degrees 05 minutes 36 seconds East, 143.02 feet to a cedar tree with wire;

62. THENCE North 59 degrees 43 minutes 26 seconds East, 143.04 feet to the end of a stone wall; THENCE along said stone wall, North 78 degrees 35 minutes 01 seconds East, 52.77 feet to an angle point in a stone wall;

63. THENCE North 67 degrees 40 minutes 26 seconds East, 126.73 feet to a point at the end of a stone wall;

FOR CONVEYANCING ONLY: **TOGETHER** with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

64. THENCE along said wall, North 14 degrees 34 minutes 46 seconds East, 103.12 feet to an iron bar in said walt at the Southwesterly corner of lands of Treasure Chest Advertising Company, Inc., Liber 2394 - Page 181;

Town of Saugerties Ulster County, NY Page 5 of 6

65. THENCE along the Southeasterly line of lands of Treasure Chest Advertising, Inc., the following courses and distances: North 68 degrees 00 minutes 00 seconds East, 330.00 feet to a point;

66. THENCE North 60 degrees 30 minutes 00 seconds East, 168.30 feet to a point;

67. THENCE North 61 degrees 30 minutes 00 seconds East, 91.74 feet to a point;

68. THENCE North 68 degrees 30 minutes 00 seconds East, 132.00 feet to a point;

69. THENCE North 69 degrees 30 minutes 00 seconds East, 33.66 feet to a point;

70. THENCE North 61 degrees 15 minutes 00 seconds East, 79.20 feet to a point;

71. THENCE North 62 degrees 30 minutes 00 seconds East, 146.52 feet to a point;

72. THENCE North 60 degrees 00 minutes 00 seconds East, 462.00 feet to a set iron bar;

73. THENCE continuing along the Northeasterly line of lands of Treasure Chest Advertising, Inc., North 29 degrees 30 minutes 00 seconds West, 412.02 feet to a set iron bar on the Easterly line of other lands of KMP Realty Holdings II LLC, a 52.578-acre parcel;

74. THENCE again along said 52.578-acre parcel, the following courses and distances; North 47 degrees 27 minutes 16 seconds East, 40.38 feet to recovered stones;

75. THENCE North 28 degrees 05 minutes 51 seconds East, 180.82 feet to an iron bar on the Southerly line of lands of H & R Caristo LTD, Liber 4163 Page 145;

76. THENCE along the Southerly line of lands H & R Caristo LTD and a stone wall, South 63 degrees 37 minutes 34 seconds East, 364.94 feet to an iron bar;

77. THENCE along the Easterly line of lands of H & R Caristo LTD and the remains of a wire fence the following courses and distances: North 40 degrees 44 minutes 26 seconds East, 445.84 feet to a blazed cedar;

78. THENCE North 63 degrees 17 minutes 54 seconds West, 313.20 feet to a 30-inch oak with wire;

FOR CONVEYANCING ONLY: **TOGETHER** with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

79. THENCE North 33 degrees 26 minutes 36 seconds East, 366.10 feet to a tree with wire;

80. THENCE North 24 degrees 28 minutes 16 seconds East, 179.62 feet to a fence post on the Southerly side of Peoples Road;

81. THENCE along the Southerly side of Peoples Road the following courses and distances: South 46 degrees 23 minutes 45 seconds East, 70.16 feet to a point;

82. THENCE South 50 degrees 01 minutes 53 seconds East, 261.84 feet to a point;

83. THENCE South 50 degrees 00 minutes 01 seconds East, 109.02 feet to a point;

84. THENCE South 58 degrees 31 minutes 40 seconds East, 60.20 feet to a point;

85. THENCE South 76 degrees 39 minutes 14 seconds East, 91.79 feet to the place of BEGINNING.

FOR CONVEYANCING ONLY: **TOGETHER** with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

PARCEL I (Tax Lot 18.110):

ALL that certain plot, piece or parcel of land located in the Town of Saugerties, County of Ulster and State of New York being more particularly bounded and described as follows:

BEGINNING at a recovered iron bar on the Northeasterly line of lands of Central Hudson Gas & Electric Corp., and the Southwesterly corner of lands of the herein described premises, and running:

1. THENCE from said point of beginning along the Northeasterly line of lands of Central Hudson Gas & Electric Corp., and generally along a stone wall the following courses and distances: North 37 degrees 36 minutes 07 seconds West, 67.37 feet to a point;

2. THENCE North 40 degrees 44 minutes 51 seconds West, 175.23 feet to a point at the end of a stone wall;

3. THENCE leaving said stone wall and continuing along the Northeasterly line of lands of Central Hudson Gas & Electric Corp., North 46 degrees 31 minutes 41 seconds West, 104.08 feet to a point in a stone wall intersection;

4. THENCE generally along a stone wall and the Northerly line Central Hudson Gas & Electric Corp., the following courses and distances: South 40 degrees 51 minutes 14 seconds West, 64.50 feet to a point;

5. THENCE South 60 degrees 21 minutes 20 seconds West, 33.43 feet to a point;

6. THENCE South 78 degrees 36 minutes 11 seconds West, 63.26 feet to a point;

7. THENCE South 85 degrees 48 minutes 13 seconds West, 113.70 feet to a point;

8. THENCE North 75 degrees 34 minutes 31 seconds West, 63.71 feet to a point;

9. THENCE North 86 degrees 56 minutes 04 seconds West, 42.97 feet to a point;

10. THENCE South 78 degrees 51 minutes 55 seconds West, 35.29 feet to a point;

11. THENCE North 76 degrees 34 minutes 20 seconds West, 53.08 feet to a point;

12. THENCE North 61 degrees 02 minutes 15 seconds West, 164.84 feet to a point at the end of a stone wall;

FOR CONVEYANCING ONLY: **TOGETHER** with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

13. THENCE North 51 degrees 28 minutes 49 seconds West, 123.84 feet to a recovered stone on end in a stone wall;

14. THENCE continuing along the Northwesterly line of lands of Central Hudson Gas & Electric and generally along said stone wall, South 41 degrees 52 minutes 56 seconds West, 139.53 feet to a point;
15. THENCE North 76 degrees 17 minutes 10 seconds East, 382.14 feet to a point;

16. THENCE South 88 degrees 42 minutes 50 seconds East, 66.00 feet to a point;

17. THENCE South 59 degrees 42 minutes 50 seconds East 88.44 feet to a point;

18. THENCE South 82 degrees 17 minutes 10 seconds East, 66.00 feet to a point;

19. THENCE South 70 degrees 42 minutes 50 seconds East, 39.60 feet to a point;

20. THENCE South 63 degrees 40 minutes 40 seconds East, 23.19 feet to a set iron bar on the Northwesterly line of other lands to be conveyed to KMP Realty Holdings II LLC, Peoples Road Parcel;

21. THENCE along the Northwesterly line of said Peoples Road Parcel, the following courses and distances: South 28 degrees 05 minutes 51 seconds West, 180.82 feet to a recovered pile of stones;

22. THENCE South 47 degrees 27 minutes 16 seconds West, 40.38 feet to a set iron bar at the Northeasterly corner of lands of Treasure Chest Advertising Company, Inc., Liber 2394 Page 181;

23. THENCE along the Northwesterly side of lands of Treasure Chest Advertising Inc., the following courses and distances: South 43 degrees 30 minutes 16 seconds West, 66.03 feet to 14-inch hickory tree with wire;

24. THENCE generally along a stone wall and the remains of a wire fence, South 56 degrees 14 minutes 40 seconds West, 140.30 feet to a point;

25. THENCE South 54 degrees 56 minutes 43 seconds west, 214.72 feet to a point;

26. THENCE South 61 degrees 01 minutes 45 seconds West, 95.19 feet to a point at the end of said stone wall;

27. THENCE continuing along the remains of said wire fence South 42 degrees 01 minute 10 seconds West, 192.76 feet to a 24-inch elm tree;

28. THENCE still along said wire fence South 31 degrees 27 minutes 28 seconds West, 116.13 feet to a point at the end of a stone wall;

FOR CONVEYANCING ONLY: **TOGETHER** with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

29. THENCE along said stone wall and the remains of a wire fence South 55 degrees 31 minutes 17 seconds West, 127.08 feet to a point;

30. THENCE South 47 degrees 56 minutes 17 seconds West, 111.63 feet to a cedar tree with wire;

31. THENCE South 57 degrees 55 minutes 39 seconds West, 153.39 feet to a point;

32. THENCE South 53 degrees 50 minutes 14 seconds West, 154.23 feet to an intersection of stone walls;

33. THENCE continuing along a stone wall South 11 degrees 48 minutes 35 seconds East, 16.67 feet to a point;

34. THENCE South 14 degrees 34 minutes 46 seconds West, 240.27 feet to a set iron bar on the Northwesterly line of lands to be conveyed to KMP Realty Holdings Il LLC, Peoples Road Parcel;

35. THENCE again along the Northwesterly line of said Peoples Road Parcel, the following courses and distances: South 67 degrees 40 minutes 26 seconds West, 126.73 feet to a point;

36. THENCE South 78 degrees 35 minutes 01 second West, 52.77 feet to a point;

37. THENCE passing through a 14-inch cedar tree with wire on line South 59 degrees 43 minutes 26 seconds West, 143.04 feet to a 24-inch blazed oak tree and a stone wall;

38. THENCE passing through a 10-inch and 16-inch cedar tree with wire South 43 degrees 05 minutes 36 seconds West, 143.02 feet to a point near the end of a stone wall;

39. THENCE along said stone wall South 63 degrees 15 minutes 16 seconds West, 48.79 feet to a point;

40. THENCE South 53 degrees 39 minutes 21 seconds West, 32.88 feet to the place of beginning.

41. THENCE South 52 degrees 04 minutes 40 seconds West, 296.91 feet to a recovered pipe on the Northeasterly line of lands of Edward and Leslie Duffy, Liber 1532 Page 648;

42. THENCE along the Northeasterly line of lands of Duffy and passing over a recovered pipe on line, North 51 degrees 36 minutes 40 seconds West, 41.20 feet to a point on the Southeasterly line of lands of New York State Thruway Interstate 87;

43. THENCE along the Southeasterly line of New York State Thruway Interstate 87 and passing over a recovered highway taking monument the following courses and distances: Northeasterly on a curve to the right having a radius of 5,604.58 feet, 1,460.92 feet to a recovered highway taking monument;

FOR CONVEYANCING ONLY: **TOGETHER** with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

44. THENCE continuing along the Southeasterly line of said Interstate 87 and passing over a recovered highway taking monument on line North 50 degrees 31 minutes 50 seconds East, 1,205.20 feet to a point at the Most Westerly corner of lands of Michael Maxwell, Liber 3945 Page 038;

45. THENCE along the Southerly line of lands of Maxwell, South 51 degrees 49 minutes 52 seconds East,
464.98 feet to a point on the Westerly line of lands of H & R Caristo LTD, Liber 4163 Page 145;

46. THENCE along the Westerly and Southerly line of lands of H & R Caristo, the following courses and distances: South 09 degrees 01 minutes 00 seconds West, 65.39 feet to a point;

47. THENCE South 49 degrees 58 minutes 50 seconds East, 48.18 feet to a point;

PARCEL 2 (TAX LOT 25.120):

48. ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Saugerties, County of Ulster and State of New York, being known and designated on the Official Tax Maps of Ulster County, Town of Saugerties as Section 17.16, Block 2, Lot 25.120 as of the date hereof.

49. A metes and bounds description will be provided upon receipt of a signed and sealed survey to this Company.

FOR CONVEYANCING ONLY: **TOGETHER** with all right, title and interest of the party of the first part, of, in and to any streets and roads abutting the above described premises to the center lines thereof.

SCHEDULE B

EXCEPTIONS

The following will appear in the policy as exceptions from coverage, unless disposed of to our satisfaction prior to the closing or delivery of the policy.

1. Rights of tenants or parties in possession, if any.

2. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth herein.

3. Covenants, conditions, easements, leases, agreements of record as follows:

   a) Telephone Company Easement recorded in Liber 532 Page 402. (affects lot with right to cut and trim trees) (affects tax lot 18.100) **Parcel 1**

   b) Notice of Appropriation recorded 9/21/1948 in Liber 744 Page 450. **Parcel 1**

   c) Easement and Reservation as set forth in Grant of Electric and Gas Lines Right of Way recorded 10/2/1955 in Liber 947 Page 244. (affects lot with right to trim, cut and remove brush and trees) (affects tax lot 5.100) **Parcel 1**

   d) Easements and Reservation as set forth in Grant of Electric and Gas Lines Right of Way recorded 4/30/1956 in Liber 963 Page 525, as modified by Modification of Easement recorded 11/14/1985 in Liber 1555 Page 335. (affects lot with right to trim, cut and remove brush and trees) (affects tax lot 5.100) **Parcel 1**

   e) Reservation of Right of Way as set forth in deed recorded 11/15/1977 in Liber 1383 Page 281, as further repeated in Liber 1547 Page 243 and Liber 1547 Page 247. (affects tax lot 5.1000) **Parcel 1**

   f) Easements and Reservation as set forth in deed recorded 6/25/1990 in Liber 2015 Page 84. **Parcel 1**

   g) Easements and Rights of Way as recited in deed recorded 5/2/1994 in Liber 2394 Page 181 and deed recorded 12/21/2001 in Liber 3269 Page 164. **Parcel 1**

   h) Rights, Easements and Rights of Way as set forth in deed recorded 6/28/2011 in Instrument No.: 2011-8615. **Parcel 1**

   i) Grant of Easement recorded 10/15/2013 in Instrument No.: 2013-16678. (affects tax lot 5.10) **Parcel 1**

   j) Easements and Right of Way as recited in Instrument No.: 2014-6025, Instrument No.: 2014-6118 and Instrument No.: 2015-10008. **Parcel 1**

k) Terms, covenants, conditions, provisions and agreements as set forth in a PCS Site Agreement Lease dated 6/11/1996, as evidenced by a Memorandum of Lease made by and between Treasure Chest Advertising Co., Inc., as lessor and Sprint Spectrum L.P., as lessee, dated 6/11/1996 and recorded 8/20/1996 in Liber 2613 Page 48. (affects tax lot 5.1000) **Parcel 1**

With regard thereto:

i. Terms, covenants, conditions, provisions and agreements as set forth in a Site License Agreement dated 2/20/1998, as evidenced by a Memorandum of Agreement made by and between Sprint Spectrum, L.P., as licensor and Nextel of New York, Inc., as lessee, dated 2/20/1998 and recorded 10/28/1998 in Liber 2848 Page 329. **Parcel 1**

ii. Agreement Regarding Ground Lease made by and between Vertis, Inc., successor in interest to Treasure Chest Advertising Co., Inc., as landlord and Sprint Spectrum Realty Company L.P. successor by assignment to Sprint Spectrum L.P., effective as of 10/27/2005 and recorded 1/31/2006 in Instrument No.: 2006-2904. **Parcel 1**

iii. Assignment Agreement made by and between Vertis, Inc. successor by merger from Treasure Chest Advertising Company, Inc., as assignor, and Global Signal Acquisitions IV LLC, as assignee, effective as of 9/18/2013 and recorded 10/15/2013 in Instrument No.: 2013-16679. **Parcel 1**

iv. Memorandum of Ground Lease Extension Agreement made by and between Global Signal Acquisitions IV LLC, as lessor, and Global Signal Acquisitions II LLC, as tenant, dated 9/16/2013 and recorded 10/15/2013 in Instrument No.: 2013-16680. **Parcel 1**

l) Easement (non-exclusive) as set forth in Liber 2635 Page 218. **Parcel 1**

m) UCC-3 Continuation recorded 9/23/2025 as Instrument No. 2025-1030 and Book 355 page 66. **Parcel 1 and 2**

n) UCC-3 Amendment (Release) recorded 10/22/2025 as Instrument No. 2025-1149 and Book 356 page 302. Releases Lots 5.100 & 18.110 only. **Parcel 1**

o) Option and Ground Lease Agreement dated 2/18/2025, as evidenced by Memorandum of Option and Lease made by and between KMP Realty Holdings II, LLC, as Lessor and Nexamp Solar, LLC, as Lessee, dated 2/18/2025 and recorded 9/9/2025 as Instrument No. 2025-10563 and Book 7531 page 205. Affects Lot 18.110. **Parcel 1**

p) Memorandum of Agreement containing a Right of First Refusal and Option to Purchase, made by and between KMP Realty Holdings II LLC and Community Holdings, LLC dated 9/1/2025 and recorded 11/13/2025 as Instrument No. 2025- 13425 and Book 7555 page 173. **Parcel 2**

p) Boundary Line Agreement recorded in Liber 448 Page 180. **Parcel 2**

q) Utility Company Easements recorded in Liber 461 Page 585, Liber 522 Page 466, Liber 535 Page 326, Liber 963 Page 525, as modified by Modification of Easement recorded in Liber 1555 Page 335, Liber 1579 Page 168, Liber 2088 Page 347, Liber 2635 Page 218. **Parcel 2**

r) Right of Ways Easements as set forth in Liber 917 Page 520, as further recited in Liber 1305 Page 61. **Parcel 2**

s) Appurtenant Easement and Provisions as set forth in Liber 1361 Page 089. **Parcel 2**

t) Right of Way Easements and Provisions as set forth in Liber 1535 Page 169. **Parcel 2**

u) Easement Agreement recorded in Liber 1554 Page 220. **Parcel 2**

v) Terms, Conditions, Covenants, Restrictions, Rights and Easements as set forth in Liber 1555 Page 344, Liber 1556 Page 7, Liber 2394 Page 167, Liber 3046 Page 198. **Parcel 2**

w) FOR INFORMATION:

i. Court Order Approving Sale of Property and Approving Assignment of Lease recorded in Liber 5650 Page 159. **Parcel 2**

ii. Order Approving Procedures for The Sale, Transfer, or Abandonment of De Minimis Assets recorded in Liber 5650 Page 172. **Parcel 2**

iii. Order Authorizing Sale of Real Property by Vertis, Inc. recorded in Liber 5744 Page 126. **Parcel 2**

x) Appurtenant Easement as set forth in Site Designation Supplement to Master Lease and Sublease Agreement recorded in Instrument Number 2006-2465. **Parcel 2**

y) Together with and subject to all easements and rights of way appurtenant to the premises as recited in Instrument Number 2014-6025, Instrument Number 2014-6118 and Instrument Number 2015-10008. **Parcel 2**

z) Notes and Easements on Filed Map No. 6055, Filed Map No. 14-160 and Filed Map No. 15-153. **Parcel 2**

aa) Notes and Setback line on Filed Map No. 11-39 and 15-153A-C. **Parcel 1**

4. In the absence of a survey acceptable to this Company, policy does not certify as to the exact location or dimensions of the premises on all sides; policy further excepts any state of facts an accurate survey might show.

5. Two (2) mortgage(s) found of record. See Mortgage Schedule herein. **Parcel 1 & Parcel 2**

6. **NOTE:** Searches for Judgments and Federal Tax Liens made against **KMP Realty Holdings II LLC** disclosed no returns.

7. Searches for Judgments, Federal Tax Liens and UCC Financing Statements have been run against KMP Realty Holdings II, LLC and discloses the following – One UCC Financing Statement as follows: **PARCEL 2**

i. Debtor: KMP Realty Holdings II LLC

Secured Party:	Salisbury Bank & Trust Co.
UCC No.:	Instrument No. 2020-722
Filed:	10/14/2020

8. **FOR INFORMATION:** Searches were conducted in the Secretary of State Office in Albany for UCC Financing Statements against KMP Realty Holdings II LLC and the following were found: Two Returns – SEE HEREIN **Parcel 1 & PARCEL 2**

9.

10. In advance of scheduling the closing, the Company must be advised as to the identity of the proposed insured and other interim grantee(s), if any, and additional exceptions may then be added. If the proposed insured is a corporation, partnership or other entity, proof of its due formation is required prior to closing. Additional exceptions may be raised.

11. Memorandum of Assignment of Leases and Rents made by KMP Realty Holdings II, LLC, Assignor, to Salisbury Bank and Trust Company, Assignee, dated 8/7/2015 and recorded 8/7/2015 in Instrument Number 2015-10010, as affected by Partial Release of Assignment of Leases and Rents dated 11/7/2024 and recorded 10/22/2025 in Instrument No. 2025-12393 and Book 7546, Page 297 (Covers premises herein and more) **PARCEL 1 & 2**

12. Title to personal property is not insured, but the following Uniform Commercial Code security agreement/financing statement must be discharged of record as it affects the real property. **Parcel 1**

Debtor:	KMP Realty Holdings II LLC
Secured Party:	Salisbury Bank & Trust Co.
UCC No.:	Liber 237 Page 276 / Instrument No. 2020-722
Filed:	10/14/2020

(Covers premises herein and more)

13. Policy excepts the rights of others in and to the uninterrupted flow of any brooks and/or streams crossing the premises in Schedule A - Description herein.

14. With respect to **KMP Realty Holdings II LLC**, a New York Limited Liability Company, the following proofs and documents must be submitted to this Company for examination prior to closing, and upon review, additional exceptions may thereafter be raised:

    (a) Proof that the LLC has been validly formed and remains in existence;

    (b) A fully executed copy of the Operating Agreement and any amendments thereto;

    (c) A copy of the Articles of Organization together with proof of filing thereof with the Secretary of State of New York; and

    (d) Resolution of the LLC executed by duly authorized member(s) or manager(s) approving the subject transaction, which resolution identifies the person(s) authorized and directed to act for said LLC together with proof that the resolution was adopted in accordance with the Operating Agreement and the Articles of Organization. If the subject transaction involves the sale, exchange, lease or mortgage of all or substantially all of the assets of said LLC, then absent provisions to the contrary in the Operating Agreement, such resolution must also be adopted by the vote of at least two-thirds in interest of the members entitled to vote thereon.

    (e) ENHANCED DOCUMENTATION REQUIRED FOR LLC TRANSFERS: Both New York State and New York City require additional documentation for deed transfers when a limited liability company is either a grantor or a grantee. For all LLC conveyances within New York City, please use the attached NYC LLC Disclosure Addendum. For all conveyances outside New York City where the property is residential 1-4, please use the attached LLC Disclosure Addendum.

15. Contract in this transaction must be submitted to the Company for review prior to closing.

16. Proof is required that no party to this transaction has been known by any other name(s) in the past ten (10) years. If a party has been known by any other name, Company must be so advised, prior to closing, so that additional searches may be completed.

17. Section 236 of the New York Domestic Relations Law limits the ability of both plaintiffs and defendants in matrimonial actions to transfer or encumber their real property. Company will require proof by affidavit that the seller / mortgagor in the transaction to be insured is not a party to any matrimonial action brought under Domestic Relations Law Section 236. (See Multiple Exception Affidavit included in report.)

18. Closing instrument must recite "Said premises is being and intended to be part of the same premises described in a certain deed from Top Universe, LLC to **KMP Realty Holdings II (a/k/a KMP Realty Holdings II LLC)**, dated 8/7/2015 and recorded 8/7/2015 in Instrument No. 2015-10008."

19. **NOTE:** Pursuant to CPLR Section 8019(b), all instruments presented to the Company for recording or filing must be in a legible format for microfilming or imaging by the County Clerk or City Register. To avoid rejection, Company requires all documents submitting for recording or filing be prepared and executed in BLACK ink.

20. If water to insured premises are serviced by a **water meter**, a final meter reading must be obtained and a bill for meter charges submitted at the time of closing. If a bill is not submitted at closing, policy will except all water meter charges, if any. If bill submitted, policy will except all water meter charges from date of the last actual reading of the meter including all charges entered thereafter but which might include usage prior to the date of the policy.

21. **NOTE:** As of January 1, 2016, the Ulster County Clerk requires that all documents submitted for recording requiring a Real Property Transfer Report use the downloadable bar-coded Form RP-5217-PDF. The form must be printed on legal size paper (8½" x 14"). For further info, visit the Ulster County Clerk website. The RP-5217-PDF form and Instructions can be found on the NYS Department of Taxation and Finance's website.

22. **NOTE:** This certificate is made for and accepted by the applicant upon the express understanding that no policy of title insurance is to be issued hereunder and is prepared for information only. If insurance is to be afforded hereunder, this Company must be advised, and additional exceptions, if any, will be raised.

MORTGAGE SCHEDULE

1. MORTGAGE, ASSIGNEMENT OF LEASES AND RENTS AND SECURITY AGREEMENT made by KMP Realty Holdings II LLC, as mortgagor(s) to Salisbury Bank and Trust Company, as mortgagee, dated 8/7/2015 and recorded 8/7/2015 in Instrument No.: 2015-10009 in the amount of $2,300,000.00. Mortgage tax paid: $17,250.00. (Covers premises herein and more) **Parcel 1 & 2**

2. CONSOLIDATED MORTGAGE AND ASSIGNMENT OF LEASES AND RENTS made by and between KMP Realty Holdings II LLC, as mortgagor and Salisbury Bank and Trust Company, as mortgagee, dated 8/26/2020 and recorded 8/27/2020 in Instrument No.: 2020-11922 in the amount of $911,490.01. Mortgage tax paid $6,836.25. **Parcel 1 & 2**

   The above Mortgage is consolidated by its terms with Mortgage No. 1 to form a single lien in the amount of $2,960,000.00.

   The above is affected by Partial Release of Mortgage dated November 7, 2024, and recorded October 22, 2025, in Instrument No. 2025-12392 and Book 7546, Page 289.

TAX SEARCH

Taxes, tax liens, tax sales, assessments, water rates and sewer usage charges and, if applicable, street vault charges which are liens on real property

Lot 18.110:

AVAILABLE – CLICK HERE

Parcel 1

Lot 5.100:

AVAILABLE – CLICK HERE

Parcel 1

Lot 25.120

AVAILABLE – CLICK HERE

Parcel 2

Our policy does not insure against taxes, tax liens, tax sales, assessments, water rates, sewer usage charges, street vault charges and other matters relating to taxes which have not become a lien as of the date of policy or installments due after the date of policy. Neither our tax search nor our policy covers any part of streets on which the premises to be insured abut.

SURVEY

TO BE ADVISED

MUNICIPAL DEPARTMENT SEARCHES
BANKRUPTCY AND PATRIOT SEARCHES

Parcel 1

Bankruptcy Search(es)	AVAILABLE – CLICK HERE
Patriot Search(es)	AVAILABLE – CLICK HERE

Parcel 2

Bankruptcy Search(es)	AVAILABLE – CLICK HERE
Patriot Search(es)	AVAILABLE – CLICK HERE

Any searches or returns herein are furnished FOR INFORMATION ONLY. They will not be insured and the company assumes no liability for the accuracy thereof. They will NOT BE CONTINUED to the date of closing.

- Municipal Department Searches
Bankruptcy and Patriot Searches (Page 1 of 1) -

Title Number: 71196214/81316753

Bankruptcy Search

DATE: March 1, 2022

INDIVIDUAL OR ENTITY: KCE NY 34 LLC
KMP Realty Holdings II
KMP Realty Holdings II LLC

COUNTY: Ulster

STATE: New York

A SEARCH OF THE BANKRUPTCY CLERK'S RECORDS FOR THE STATE OF NEW YORK INDICATES THE FOLLOWING:

- THERE IS NO RECORD OF AN ACTIVE CASE FOUND ON FILE FOR THE ABOVE MENTIONED INDIVIDUAL OR ENTITY

- SEE ATTACHED

Information supplied by https://pacer.uspci.uscourts.gov. The records of the above governmental agency were examined and that the information recorded above is a true and accurate abstraction of the information contained therein. This report is submitted for information purposes only. This search does not include filings in areas other than the microfiche or index section of the United States Bankruptcy Clerk's Office.

Description	Bankruptcy Court Party Search Name KCE NY 34 LLC; Court ID NY; Jurisdiction BK
Results	The search returned no results.

Description	Bankruptcy Court Party Search Name KMP REALTY HOLDINGS II; Court ID NY; Jurisdiction BK
Results	The search returned no results.

Description	Bankruptcy Court Party Search Name KMP REALTY HOLDINGS II LLC; Court ID NY; Jurisdiction BK
Results	The search returned no results.

Title Number: 71196214/81316753

Patriot Name Search

DATE: March 1, 2022

INDIVIDUAL OR ENTITY: KCE NY 34 LLC
KMP Realty Holdings II
KMP Realty Holdings II LLC

COUNTY: Ulster

STATE: New York

A SEARCH OF THE SPECIALLY DESIGNATED NATIONALS, FOREIGN SANCTIONS EVADERS RECORDS INDICATES THE FOLLOWING:

- THERE IS NO RECORD OF AN ACTIVE CASE FOUND ON FILE FOR THE ABOVE MENTIONED INDIVIDUAL OR ENTITY.

- SEE ATTACHED.

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Names Searched	Results Found
KCE NY 34 LLC	**0**
KMP REALTY HOLDINGS II	**0**
KMP REALTY HOLDINGS II LLC	**0**

Results returned for user search on Match All Keywords.

No Results Found for Specially Designated Nationals

No Results Found for Foreign Sanctions Evaders

No Results Found for Closing/Fraud Alerts

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Current Date: 2/22/2022
Last Updated: 2/22/2022

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MULTIPLE EXCEPTION AFFIDAVIT

-Standard-

Title No. _____

Premises: _____

STATE OF NEW YORK :
: ss.:
COUNTY OF _____ :

_____, being duly sworn, deposes and says:

1a. That Affiant is (are) the Fee Owner(s) of certain real property identified above (the "Premises") as more particularly described in the title commitment under the above title number issued by Stewart Title Insurance Company (the "Company"). *(strike if not applicable)*

1b. That Affiant is the _____(owner)(partner)(member)(managing member)(officer) of _____, (the "Fee Owner") that owns certain real property identified above (the "Premises") and which is more particularly described in the title commitment under the above title number issued by Stewart Title Insurance Company (the "Company"). *(strike if not applicable)*

2. That I (we) have not been known by any other name for the past ten (10) years except: _____

3. That the judgments, federal tax liens, state tax warrants, city tax warrants, environmental control board judgments, parking violation judgments, if any, set forth in Schedule B of the above referenced title commitment are not against me, but against a person of the same or similar name; that I have not filed bankruptcy under any other name or in any other state except as returned in the bankruptcy search(es) set forth in the above referenced title commitment; and that there are no judgments or Federal Tax Liens against me (us) in any jurisdiction.

4. That I (we) am (are) the same person named as the Grantee in Deed recorded in Liber/Control/CRFN _____.

5. That I (we) am (are) entitled to the exemption(s) to the real property taxes listed in the tax search provided with the title commitment and that said exemption(s) has/have not been cancelled or modified. **OR**

If you are NOT entitled to any of the real estate tax exemption(s) set forth on the tax search, please indicate:

Exemption: _____; date of termination: _____
Exemption: _____; date of termination: _____

6. That there are no options to purchase or rights of first refusal with respect to any portion of the Premises either pursuant to written leases or by separate agreements.

7. There are presently (_____) tenants in said Premises. If no tenants state NONE. Each of the tenants is either:

(a) In possession under a lease containing a standard subordination clause fully and unconditionally subordinating said lease to all existing and future mortgages; or

(b) A statutory tenant or month-to-month tenant; or

(c) All persons in possession are in possession as tenants only. There are no options to purchase or rights of first refusal either pursuant to written leases or by separate agreements.

8. That my (our) ownership of the Premises has been peaceable and undisturbed and I (we) have no knowledge of any other parties' claim to an interest in this Premises, except as may be set forth in the above referenced title report.

9. That Fee Owner(s) has not executed any instrument that is not disclosed by the above referenced title commitment. There are no unrecorded options or contracts to purchase, deeds, easements or rights-of-way, and I (we) know of no other financing which will affect the Premises. Further, that the mortgage payoff statement delivered to the Company (if any) is for the loan affecting the Premises set forth in the within title commitment.

10. That I (we) am (are) not a party to any "Matrimonial Action" brought under NY Domestic Relations Law Section 236.

11. That I (we) indemnify and hold Company harmless from any and all water and/or sewer charges not disclosed in the tax search provided with the title commitment, as applicable.

12. That for the purposes of compliance with Real Property Law Section 265-a (Home Equity Theft Protection Act), I (we) state of my (our) actual knowledge that:

a) I (we) am (are) not in default of any mortgage affecting the Premises by reason of there being payments due and unpaid on any mortgage for two (2) months or more.
b) There are no actions pending against the Premises to foreclose a mortgage.
c) The Premises is not shown on an active property tax lien sale list and all real estate taxes are paid through the next lien date.

FOR ENTITY SELLERS *(strike if not applicable)*:

13. That Fee Owner is in good standing with the Secretary of State of New York and no proceeding is pending for its dissolution or annulment. That all license taxes, State Franchise fees and New York City annual fees, if applicable, that are due and payable by Fee Owner have been or will be paid in full.

14. That the Resolution(s), Consent(s), Operating Agreement and/or Certificate of Incorporation of Fee Owner attached hereto or previously delivered to the Company are true, accurate, complete and valid, and no changes to said instruments have been made.

FOR NYC PROPERTY ONLY (strike if not applicable):

15. There are no actions pending affecting said Premises. That no repairs, alterations or improvements have been made by the City, nor has the City made any demand for any such work that may result in charges by the New York City Department of Rent and Housing Maintenance, New York City Hazardous Substances Emergency Response Law, New York City Department of Environmental Protection for water tap closings or any related work, or by the New York City Department of Health, whether or not such charges are liens against the Premises which this policy insures.

16. That no inspection fee, permit fee or any charge or fee with respect to any elevator, sign or boiler has been levied charged, created or incurred with respect to the Premises that may become a tax or other lien pursuant to the Administrative

Code of the City of New York. That there are no other liens issued pursuant to the Administrative Code of the City of New York which may affect the subject Premises.

17. To the best of my knowledge, there are no street vaults, or if there are street vaults, any and all vault taxes have been paid to date.

18. That to the best of my knowledge, there have been no Environmental Control Board liens issued or docketed against the Fee Owner or the Premises other than as may be shown in the above referenced title commitment.

19. To the extent that any real property tax, water charge, sewer rent or any other municipal charge or lien is identified as "unofficial" (or words of similar import) in the tax search provided with the title commitment, all such items have been paid.

20. That I (we) indemnify and hold Company harmless from any sidewalk violation(s) affecting Premises. *(strike if not applicable)*

21. OTHER:_____

_____

_____

_____

This affidavit has been executed and delivered in order to induce Stewart Title Insurance Company to remove certain exceptions to title set forth in the above captioned title commitment and to issue its policy of title insurance covering said Premises knowing that it will rely on the statements made herein.

Dated: _____

_____
Printed Name:

_____
Printed Name:

Sworn to before me this _____
day of _____, 20____

_____
Notary Public

Title Number: 71196214/81316753

ACRIS PREP REQUEST

***COMPLETE and EMAIL to* nymetrorecordings@stewart.com**

IMPORTANT: A copy of the deed, lease, or other transfer document must be submitted with this form. Each transfer document must have its own set of ACRIS forms, therefore, please fill out a prep request for each document requiring transfer docs. A copy of the contract of sale must be supplied for all transactions $400,000.00 and above.

For Courtesy ACRIS Preps (not title related)

Requested By: _____ **are we also recording?** ☐ **Yes** ☐ **No**

Request Date: _____

Send completed ACRIS via: **email** ☐ **or deliver with closing package** ☐

Seller Attorney	Name: Address: Tele.: Email:
Seller	Name: Address: SSN/EIN (or affidavit): If Single Member LLC, Member name & SSN/EIN: *See below if Seller is a Partnership or Multiple Member LLC
Seller	Name: Address: SSN/EIN (or affidavit): If Single Member LLC, Member name & SSN/EIN: *See below if Seller is a Partnership or Multiple Member LLC
Purchaser Attorney	Name: Address: Tele.: Email:
Purchaser	Name: Address: SSN/EIN (or affidavit): If Single Member LLC, Member name & SSN/EIN: *See below if Purchaser is a Partnership or Multiple Member LLC
Purchaser	Name: Address: SSN/EIN (or affidavit): If Single Member LLC, Member name & SSN/EIN: *See below if Purchaser is a Partnership or Multiple Member LLC

PLEASE COMPLETE ALL REQUIRED INFORMATION BELOW

Property Address	
Tax Map	Block Lot(s)

Designation	
County	
Property Type	
	Note: *If courtesy recording, please provide copy of current tax bill so we may complete RP-5217.*
Consideration*	$
	*Is Purchaser paying transfer tax? ☐ Yes ☐ No
	*Is exemption being claimed? ☐ Yes ☐ No **If yes, please detail below*
Date of Conveyance	
Type of Conveyance *(see TP-584 pg 1)*	
Contract Date	
Comments/ Special Instructions	

As to PARTNERSHIPS and MULTIPLE MEMBER LLC's

Effective May 18, 2015, the revised NYC-RPT form requires the names and SSN/EIN of each general partner or LLC member. Signatures are not required. This information must be submitted in a "supporting document" with a separate page for each partnership or LLC. If a SSN or EIN is not provided, an affidavit must be submitted attesting to the reason(s) the information is missing.

Note: Neither the supporting document nor the SSN/EIN affidavit are forms within the ACRIS system or are supplied by the New York City Register. THEREFORE, you must either supply the names of the partner and/or members below with SSN/EIN and we will prepare the supporting document OR you must prepare same and bring to closing.

Entity Name: _____

1. Partner/Member _____ SSN/EIN _____
2. Partner/Member _____ SSN/EIN _____
3. Partner/Member _____ SSN/EIN _____
4. Partner/Member _____ SSN/EIN _____

Entity Name: _____

1. Partner/Member _____ SSN/EIN _____
2. Partner/Member _____ SSN/EIN _____
3. Partner/Member _____ SSN/EIN _____
4. Partner/Member _____ SSN/EIN _____

stewart TITLE

Title Number: 71196214/81316753

NYS & NYC TRANSFER TAX

NYS REAL ESTATE TRANSFER TAX (NYS RETT) *(NYS Tax Law §§ 1402 & 1402(a))*

- $2.00 for each $500.00 of consideration or any fraction thereof (.4%).
- As of July 1, 2019, additional RETT for properties within NYC (Manhattan, Bronx, Kings, Queens, Staten Island):
  - If residential property (1-3 family, individual condo or coop unit) and consideration is $3MM or more, add an additional $1.25 per $500.00 of consideration or fractional part thereof (.65%)
  - For all other property types (4 family or more, commercial, vacant) and consideration is $2MM or more, add an additional $1.25 per $500.00 of consideration or fractional part thereof (.65%)
- Payable 15 days after conveyance. Generally paid by grantor (see gross up if grantee paying), see *Tax Law § 1404*
- For exemptions and non-taxable conveyances, see *Tax Law § 1405 and 20 NYCRR § 575.9*
- For examples of taxable and nontaxable conveyances, see *20 NYCRR § 575.11*
- For continuing lien deduction, see *Tax Law § 1402(a)*

ADDITIONAL TRANSFER TAX IMPOSED BY MUNICIPALITIES (NOTE: Separate Tax Return Required):

- Suffolk Peconic Tax (affects townships of East Hampton, Shelter Island, Southampton, Riverhead and Southold) 2% of consideration with allowances
- City of Yonkers 1.5% of full consideration
- City of Peekskill 1% of full consideration
- City of Mt. Vernon 1% after a deduction for the first $100,000 of consideration
- Town of Red Hook 2% after deduction of Dutchess County residential real property median price
- Town of Warwick .75% after a deduction for the first $100,000 ($50,000 if vacant) of consideration
- Columbia County $1.00 for each $500 of consideration ($150,000 exemption for one family residence)
- Erie County $2.50 for each $500 of consideration

****SUBJECT TO CHANGE: It is the responsibility of the parties to confirm if the municipality where the property is situate imposes any additional transfer tax and the amount due, allowances, and/or exemptions. The above is provided for information only.****

NYC REAL PROPERTY TRANSFER TAX (NYC RPT) *(NYC Adm. Code § 11-2101 et seq., RCNY Title 19 Chapter 23):*

- 1-3 family, residential condo or coop: 1% if $500,000 or less / 1.425% if more than $500,000
- Commercial, vacant and bulk sales: 1.425% if $500,000 or less / 2.625% if more than $500,000
- Tax does not apply to transfers for a consideration of less than $25,000. See, *NYC Adm. Code § 11-2102*
- Payable 30 days after transfer. Paid by Seller, unless agreed otherwise.
- For exemptions, see *NYC Adm. Code § 11-2106*
- For continuing lien deduction, see *19 RCNY § 23-03(k)*

MANSION TAX *(Tax Law §§ 1402-a & 1402-b; see also Tax & Finance Pub. 577)*:

- 1% of consideration where consideration is $1,000,000 or more.
- As of July 1, 2019, supplemental mansion tax for properties within NYC (Manhattan, Bronx, Kings, Queens, Staten Island):

$1MM to $1,999,999.99	1%	$10MM to $14,999,999.99	3.25%
$2MM to $2,999,999.99	1.25%	$15MM to $19,999,999.99	3.5%
$3M to $4,999,999.99	1.5%	$20MM to $24,999,999.99	3.75%
$5MM to $9,999,999.99	2.25%	$25MM or more	3.9%

- Payable 15 days after conveyance. Paid by Grantee.
- Applies to any premises that is or may be used in whole or in part as a personal residence at the time of conveyance, and includes a 1-3 family house, an individual condominium, or a cooperative apartment unit.
- Mansion tax applies to mixed-use properties over $1 mil, but only on the percentage that is residential.

GROSS UP – PURCHASER PAYS TRANSFER TAX *(Tax Law § 1404, 20 NYCRR § 575.4(b)(1), 19 RCNY § 23-02)*

- Where a grantee agrees, as part of the consideration for the conveyance, to pay the NYS and NYC transfer taxes, the tax is computed as follows: (i) Compute the tax based upon consideration exclusive of the transfer tax liability assumed by the grantee. (ii) Add the tax computed under (i) to the consideration used in (i) and compute the tax on the total amount.
- If the gross up brings the consideration over $1MM, mansion tax is due and payable. See, *20 NYCRR § 575.4(b)(2) and Tax & Finance Pub. 577 Q 18*

stewart TITLE

Title Number: 71196214/81316753

NYS & NYC MORTGAGE TAX

MORTGAGE TAX (OUTSIDE NYC):

1.05% - Dutchess, Nassau, Orange, Putnam, and Suffolk
MCTD counties imposing the basic tax ($.50), special additional tax ($.25), and additional tax ($.30).

1.30% - Rockland and Westchester (except Yonkers)
Counties imposing the basic tax ($.50), special additional tax ($.25), additional tax ($.30), and a local tax ($.25).

1.80% - City of Yonkers
City imposes the basic tax ($.50), special additional tax ($.25), additional tax ($.30), local tax ($.50), and Westchester local tax ($.25).

1.25% - Albany, Cattaraugus, Chautauqua, Columbia, Essex, Genesee, Greene, Rensselaer, Schenectady, Steuben, Warren, Wayne, and Wyoming
Counties imposing the basic tax ($.50), special additional tax ($.25), and additional tax ($.25), and a local tax ($.25).

1.00% - Allegany, Cayuga, Clinton, Delaware, Erie, Franklin, Fulton, Livingston, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Saratoga, Schuyler, Seneca, Tompkins, and Washington
Counties outside the MCTD imposing the basic tax ($.50), special additional tax ($.25), and additional tax ($.25) tax only.

0.75% - Chemung, Chenango, Jefferson, Montgomery, Otsego, St. Lawrence, Tioga, and Ulster
Counties imposing the basic tax ($.50) and special additional tax ($.25) only.

1.00% - Broome, Cortland, Hamilton, Herkimer, Lewis, Madison, Schoharie, Sullivan, and Yates
Counties imposing the basic tax ($.50), special additional tax ($.25), and a local tax ($.25).

NYC MORTGAGE TAX: New York City counties of New York, Bronx, Kings, Queens, and Richmond imposing the basic tax, special additional tax, additional tax, and New York City tax.

Property Type	Mortgage Amount	Basic NYS Tax	NYC Tax	Total NYC Tax
Residential 1-3 family homes & individual residential condo units	less than $500,000	1.05 %	1.00 %	2.05 %
Residential 1-3 family homes & individual residential condo units	$500,000 or more	1.05 %	1.125%	2.175%
Commercial, Vacant Land, & Combined Residential Condo Units	less than $500,000	1.05 %	1.00 %	2.05 %
Commercial, Vacant Land, & Combined Residential Condo Units	$500,000 or more	1.05 %	1.75 %	2.80 %

FOR INFORMATION:

Rates: Mortgage tax rates are calculated based on each $100 and remaining major fraction thereof on principal debt secured by a mortgage.

1-2 Family and Residential Condominiums: The borrower is responsible for the applicable tax rate minus $30.00 if property is a residential 1-2 family or a residential condominium and the loan is $10,000 or more.

Institutional Lender: An institutional lender is responsible for the special additional mortgage tax of .25% involving 1-6 family residential dwellings.
See, Tax Law § 253(1-a). If the property is commercial and/or vacant land, the borrower is responsible for the entire tax.

Natural Person Lender: A .25% exemption is permitted pursuant to Tax Law § 253 for transactions where the mortgaged premises consist of real property improved by a structure containing six or fewer residential dwelling units each with separate cooking facilities. Natural person means a human being, as opposed to an artificial person, who is the beneficial owner of a mortgage (the mortgagee). A 253 affidavit must be submitted.

$10,000 Residential Property Exclusion: If the mortgage creates a lien on real property principally improved or to be improved by a 1-2 family residence or dwelling, the **first $10,000** of the principal amount secured by the mortgage can be excluded when computing the additional tax component of the mortgage recording tax ($.30). See, T&F Tax Bulletin TB-MR-5 found at http://www.tax.ny.gov/pubs_and_bulls .

Form MT-15, Mortgage Recording Tax Return: For mortgages affecting property located in **more than one county** where tax rates vary, the taxpayer can either pay the tax in the county with the higher tax rate OR the taxpayer may file Form MT-15 and compute the mortgage recording tax at the applicable rate in each locality. The MT-15 form can be found at http://www.tax.ny.gov/forms .

NYC Aggregation: For purposes of determining the tax rate under paragraph D of § 253-a.1 of the Tax Law, for mortgages on real property located in NYC, there is a rebuttable presumption that all mortgages offered for recording within a period of **12 consecutive months** having the same or related mortgagors must be aggregated.

OPTIONAL MARKET VALUE POLICY RIDER

NOTE: THE FOLLOWING IS ONLY APPLICABLE TO THE PURCHASE OF A ONE TO FOUR FAMILY DWELLING OR A RESIDENTIAL CONDOMINIUM OR COOPERATIVE UNIT. THE PURCHASER MUST BE A NATURAL PERSON AND MUST RESIDE AT THE PROPERTY WHICH MUST BE USED PREDOMINANTLY FOR RESIDENTIAL PURPOSES.

Section 6049, Subdivision "C" of the Insurance Law requires that title companies offer at or prior to closing an optional policy rider to cover the homeowner for the future market value of his or her home.

A. **I choose to accept** the Market Value Policy Rider.

_____ _____

OWNER: OWNER:

B. **I do not wish to accept** the Market Value Policy Rider for future increased market value and elect waive the offer for such additional coverage.

_____ _____

OWNER: OWNER:

C. TO BE COMPLETED BY THE COMPANY CLOSER:

The Optional Market Value Policy Rider is not applicable to this transaction.

REASON: ( ) Commercial Property ( ) Vacant Land
( ) Multiple Dwelling (consisting of 5 families or more)
( ) Purchaser is not a natural person (e.g. corporation, partnership, trust, etc.)
( ) Purchaser will not reside at dwelling

BY: _____

TIRSA OWNER'S EXTENDED PROTECTION POLICY

You can request an Extended Protection Policy if the insured is a natural person and the property is a residential condominium unit or a one-to-four family residence. The Extended Protection Policy provides extensive, additional insurance for a premium of 120% of the regular Owner's Policy rate.

Coverage against the inability of the insured to use the Land as a single family residence due to violation of zoning law regulation on the Policy Date.

Coverage against the forced removal of a structure on the Land of the Policy Date (other than boundary walls and fences) if it was built without a proper building permit.

Coverage against the forced removal of a structure on the land (other than boundary walls and fences) for violating a zoning law or regulation on the Policy Date.

Coverage against the insured being forced to remove a structure which encroaches onto a neighbor's Land on the Policy Date.

Coverage if someone refuses to perform a contract to purchase or lease the Land, or make a mortgage loan on it because of the encroachment of a structure located on an adjoining property on the Policy Date.

Coverage against the insured not obtaining a building permit due to a violation of a subdivision law on the Policy Date.

Coverage against a neighbor building any structures after the Policy Date, other than boundary walls or fences, which encroach onto the insured Land.

Coverage against loss due to forgery or impersonation after the Policy Date.

Insurance automatically increases by 10% each year to 150% of the Policy amount without additional premium.

Certain covered risks are subject to a Deductible and a Maximum Amount of Liability.

PLEASE PROMPTLY CONTACT YOUR STEWART TITLE SALES REPRESENTATIVE TO REQUEST AN EXTENDED PROTECTION POLICY.

PRIVACY POLICY NOTICE

PURPOSE OF THIS NOTICE:

Title V of the Gramm-Leach Bailey Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with notice of its privacy policies and practices, such as the type and information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy practices of Stewart Title Insurance Company, and/or its agents.

We may collect nonpublic information about you from the following sources:

Information we receive from you, such as on applications or other forms.
Information about your transactions we secure from our files, or from our affiliates or other.
Information we receive from a consumer reporting agency.
Information that we receive from others involved in your transaction, such as the real estate agent or Lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect from our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We may also disclose this information about customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NON-PUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulation to guard your nonpublic personal information.

stewart TITLE

Title Number: **71196214/81316753**

REPORT OF CLOSING
ATTENDANCE SHEET

DATE OF CLOSING:

CLOSING LOCATION:

TRANSACTION:
BUYER(S)/BORROWER(S):
SELLER(S):

CLOSER:

	NAME/FIRM	CLIENT	MAILING ADDRESS	PHONE NO.	E-MAIL ADDRESS
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

stewart TITLE

Title Number: 71196214/81316753

REPORT OF CLOSING/ CLOSING DOCUMENTS

DEED (Designate Kind)

By

To

Dated

Insure for $

G.I.—F.H.A.—CONVENTIONAL MORTGAGE (Designate Kind)

By

To

Dated

Amount $ payable in

Insure for $

DEED (Designate Kind)

By

To

Dated

Cons. $

Insure for $

MORTGAGE (Designate Kind)

By

To

Amount $ Dated

Insure for $

ASSIGNMENT OF MORTGAGE

By

To

Dated

Assigns Mortgage Recorded in L/P

Insure for $

By

To

Dated

Cons.$

Assigns Mortgage Recorded in L/P

Insure for $

SATISFACTION OF MORTGAGE

By

Dated

Satisfies Mortgage Recorded in L/P

By

Dated

Satisfies Mortgage Recorded in L/P

OTHER CLOSING INSTRUMENTS

KCE NY 34
Compliance with the Aquifer Protection District

The southern portion of the proposed KCE NY 34 (KCE) Project (Project) is located within the Aquifer Watershed Zone. The Aquifer Watershed Zone consists of adjacent land areas that do not overlie the aquifer but are where surface water runs across the land after rainfall or flooding and eventually enters the aquifer area.

The Project will comply with all sections of Chapter §245-26, Aquifer Protection Overlay District, as follows:

- None of the Project elements and related activities are listed in **Section *C, Prohibited uses.***
- The Project complies with **Section D, *Site plan review and approval in Aquifer Protection Overlay District,* Subsections:**
    1. KCE has applied for site development plan review and approval by the Planning Board for the Project.
    2. KCE will comply with all conditions included with a Planning Board approval of the Project.
    3. Additional Information required:
        - **a.** Location Map of the proposed use or activity in relation to the Aquifer Protection Overlay District boundaries is provided in **TAB 12_Figure 2_Zoning & Aquifer Overlay Districts.**
        - *b. A map and report detailing the proposed conveyance, storage, distribution, generation, use and/or treatment of any process wastes, aqueous-carried wastes (except sewage), petroleum, hazardous substances, hazardous wastes, solid waste, radiological substances, and/or incidental wastes.*
            - i. N/A
        - c. A map and report of stormwater treatment is provided in Tab 4, and in the SWPP. ***See below*** for further discussion on stormwater management and precautions for protection of the Aquifer Watershed Zone.
        - *d. For proposed golf courses, a natural resources management plan that assesses natural resources and environmental*

impacts and provides strategies for addressing natural resources issues. Such a plan shall include the assessment of and plans for wildlife conservation and habitat enhancement; waste reduction and management; energy efficiency; water conservation; water quality management and monitoring; and integrated pest management.

i. N/A

e. *A list of all processed wastes, aqueous-carried wastes (except sewage), petroleum, hazardous substances, hazardous wastes, solid waste, and radiological substances to be used, generated, and/or stored on the premises.*

i. *N/A*

f. A copy of the Project SWPP **has been provided as Tab 14**.

g. *A statement as to the degree of threat to groundwater and surface water quality that could result if the control measures failed.* ***See below.***

h. *A description of the provisions for the off-site disposal of solid waste, petroleum, radioactive material, hazardous substances, hazardous waste, process waste, and/or aqueous-carried waste (except sewage).*

i. N/A

i. A description of the proposed means of water supply, including, if applicable, an estimate of the total daily groundwater withdrawal rate.

i. N/A- No water supply is required for the proposed facility.

j. The Town Planning Board has copies of all the application materials.

k. A completed short form SEQR Environmental Assessment Form (EAF**) has been provided.**

l. KCE is providing, or will provide, all additional site evaluation information requested by the Planning Board regarding the Project.

Response to items 3.b and 3.e.

The Project will include the following fluids with safety features to prevent leak or spillage as noted. A list of all the system chemicals is provided at the end of this section. It should be noted that some of the chemicals in the inventory list are not in liquid state and do not have the risk of leakage that would affect the soils or Aquifer.

BESS Containers: Each battery container is equipped with a dedicated HVAC system designed to ensure stable thermal management under all operating conditions. The system includes 53 gallons of a 50:50 ethylene glycol/water coolant mixture and incorporates a robust, multilayer leak management design. This includes dual pressure sensors, a coolant level sensor, an active leak detection sensor, and automated control system responses that immediately shut down both the pump and primary valve at the first indication of a leak.

In addition, Canadian Solar conducts comprehensive Factory Acceptance Testing (FAT), including full air pressure and leak integrity testing, prior to shipment. This rigorous validation process ensures a low risk, highly reliable HVAC and coolant management system. Canadian Solar has deployed two main product lines since 2023: the SB 1.0 (older product) and SB 3.0 (current product). Both have experienced zero recorded coolant leaks during a combined 25 GWh-years of operation.

Medium Voltage Transformers (MVT) used by the Project will be dry type of transformer with no fluids required.

Maine Power Transformer (MPT) will contain 9,978 of mineral oil. The MPT will include secondary containment and in the case of a leak the secondary containment will be able to contain 110% of the mineral oil.

KCE has provided a stormwater pollution prevention plan for the Project (Tab 13 SWPPP) describing proposed storm water management and associated sediment and erosion control measures have been provided. To obtain coverage under the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit Construction Activities, the SWPP will be filed with Notice of Intent (NOI) with NYSDEC prior to construction.

The General Permit Construction Activities will address the collection and treatment of all water onsite. The Project location is located within a portion of the parcel that is relatively flat, where minimal grading will be required. Stormwater runoff from the proposed surfaces does not directly enter

downgradient wetlands and watercourses before being captured and treated by one of the project's proposed stormwater treatment facilities. The Project is designed with one alternative cross section area that provides Water Quality Volume (WQv) and Runoff Reduction Volume (RRv) for the site through complete infiltration as explained in the SWPP, Stormwater management Memo.

The worst-case scenario of a thermal overload event that requires Fire Department response will not lead to any impact to the Aquifer Watershed Zone. BESS fire event responses do not require specialized equipment or fire suppression chemicals. During such events, fire department response recommendations include staging equipment a safe distance from the event, providing cooling to adjacent exposures, when necessary, with water, and acting in a defensive response. When following recommended industry standard emergency response procedures, which include limiting the use of water to cool nearby exposures and prevent spread of fire, the fire run off water will carry no additional materials as the water is not being applied directly to the distressed BESS container, as described above.

Real world BESS thermal runaway events, which have never occurred at a KCE facility, have not found contaminants at levels dangerous to people when emergency response follows recommendations that water is only applied to adjacent containers or other exposures for cooling purposes. (Water Quality Report, SDG&E Battery Fire, 571 Enterprise Street, 9/5/2024).

The Project has been designed to meet all stormwater standards by the state and the and the alternative cross section provides an extra layer of protection to ensure fire water run off does not flow directly into water resource inducing erosion or other negative effects.

CKE NY 34: Chemical Inventory List - *Approximated*						
BESS AREA LIQUIDS						
Equipment	**Equipment Count**	**Compound Name**	**Notes**	**Chemical Qty per unit**	**Chemical Total Qty**	**Chemical Units**
Battery Containers	132	Electrolyte	The electrolyte is a lithium salt dissolved in organic solvents Unlike lead acid batteries, the electrolyte is not a liquid stored in a tank, and it cannot leak because its vapor pressure is lower than the atmosphere, so if exposed to air, is vaporizes.	1,208.6	159,535.2	Gallons
		Refrigerant	R513a for use in commercial HVAC/chiller equipment to cool the batteries and is in gas form at ambient pressure.	17.6	2,323.2	Pounds
		Coolant	50/50 mix of ethylene glycol and water for use by the chiller.	52.8	6,969.6	Gallons
		Led Acid	There is a small quantity of lead acid batteries (usually AGM) onsite for control equipment backup power, similar to a small UPS system.	0.079	0.079	Gallons
Aux Transformers	2	FR3 Natural Esther Dielectric Coolant	Standard small electric transformer oil, vegetable based, biodegradable.	600	1,200	Gallons

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SUBSTATION AREA LIQUIDS						
Equipment	**Equipment Count**	**Compound Name**	**Notes**	**Chemical Qty per ea**	**Chemical Total Qty**	**Chemical Units**
Main Power Transformer	1	Mineral Oil	Standard large electric transformer oil.	9,978	9,978	Gallons
Breakers	2	Sulfur Hexaflouride (SF6)	Standard dielectric gas for HV circuit breakers.	111	222	Pounds

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KEY CAPTURE ENERGY

9/9/2026

TECHNICAL MEMORANDUM
KCE NY 34 Security Camera and Site Lighting Operations

Purpose. This memorandum describes the intended operation of the KCE NY 34 security camera and site lighting systems, with particular attention to whether nighttime camera performance requires the visible-spectrum site lights to remain on.

Security Camera System. KCE NY 34 will use cameras positioned to monitor the site perimeter, access points, and principal equipment areas. The security system is intended to operate continuously. KCE's security design standards require a continuously operating security camera system with 24/7 monitoring, motion-based recording, backup power, and thermal imaging capabilities. The standards also require coordination between the security system and site lighting design to support nighttime visibility. These technologies allow surveillance and event detection under limited or zero visible-light conditions.

Relationship Between Cameras and Visible Lighting. The security cameras do not require the visible-spectrum site lights to remain on for routine nighttime operation. Infrared-capable cameras use near-infrared illumination, which is outside or near the edge of the human-visible spectrum, to produce nighttime imagery. Visible lighting may improve color imagery and visual identification in a specific area, but it is supplemental rather than a prerequisite for camera operation.

Site Lighting Operation. Visible-spectrum site lighting will normally remain off at night to minimize off-site light spill, glare, and unnecessary energy use. The lighting system can be activated when needed for emergency response, maintenance, security verification, or other authorized site activity.

Design Coordination and Conclusion. Camera locations, fields of view, infrared coverage, and light fixture locations will be coordinated during final design. Pole heights, fixture orientation and shielding will be selected to avoid glare, overexposure, blind spots, and infrared reflections. In summary, KCE NY 34 will maintain nighttime surveillance without continuous visible site lighting; the lights are a controllable operational aid, not a technical requirement for the cameras to function.

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GENERAL NOTES:

1. THE CONTRACTOR SHALL USE THE WRITTEN DIMENSIONS PROVIDED WITHIN THE CONTRACT DRAWINGS. SCALED DIMENSIONS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES.
2. THE CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE IMMEDIATELY IF CLARIFICATION OR INTERPRETATION OF THE CONTRACT DOCUMENTS, OR ANY OTHER ASPECTS OF THE PROJECT, IS REQUIRED.
3. LEGEND REPRESENTS STANDARD LINE TYPES AND HATCHING UNLESS INDICATED ON SPECIFIC DRAWINGS.
4. THE ABBREVIATIONS AND SYMBOLS HEREIN ARE STANDARD OF THIS OFFICE AND APPLY TO A VARIETY OF PROJECTS. ONLY A PORTION OF THEM WILL NECESSARILY APPLY TO ANY GIVEN PROJECT. SEE THE LISTINGS IN OTHER SECTIONS OF THIS PROJECT FOR ADDITIONAL SYMBOLS AND ABBREVIATIONS.
5. EDR IS NOT RESPONSIBLE FOR SITE SECURITY AND SAFETY, OR CONSTRUCTION MEANS AND METHODS.
6. EDR IS NOT RESPONSIBLE FOR THE SEQUENCING OF CONSTRUCTION UNLESS A SEQUENCE OF CONSTRUCTION IS PROVIDED IN THE CONTRACT DOCUMENTS.

SITE CIVIL NOTES:

1. THE CONTRACTOR SHALL APPLY FOR ALL REQUIRED PERMITS, PAY ALL FEES REQUIRED BY GOVERNING AGENCIES HAVING JURISDICTION OVER THE FACILITIES AND NATURAL FEATURES FOUND ON SITE, AND FURNISH COPIES TO THE OWNER PRIOR TO COMMENCING WORK.
2. THE CONTRACTOR'S WORK AREA SHALL BE CONFINED TO THE LIMITS OF THE RIGHT-OF-WAYS AND EASEMENTS. THE CONTRACTOR SHALL OBTAIN ANY ADDITIONAL EASEMENTS OR WORK RELEASES SHOULD THE CONTRACTOR REQUIRE ADDITIONAL AREA TO ACCOMMODATE THEIR OPERATIONS.
3. SITE ACCESS IS RESTRICTED TO THE LOCATIONS DESIGNATED ON PLAN.
4. THE CONTRACTOR SHALL ADHERE TO ALL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA), STATE AND LOCAL SAFETY REGULATIONS.
5. CONTRACTOR SHALL PROMPTLY REPORT TO THE OWNER'S REPRESENTATIVE ANY DISCREPANCIES FOUND ON THE SITE OR IN THE CONTRACT DOCUMENTS FOR REVIEW AND RESOLUTION BEFORE PROCEEDING WITH THE WORK IN THE AREA IN QUESTION. PROVIDE FIELD INFORMATION SPECIFIC TO THE DISCREPANCY TO EXPEDITE RESOLUTION.
6. THE CONTRACTOR SHALL FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT AND SERVICES TO PERFORM ALL SURVEYING AND STAKING OPERATIONS ESSENTIAL FOR THE PROJECT AND IN CONFORMANCE WITH THE PLANS AND SPECIFICATIONS.
7. THE CONTRACTOR SHALL RETAIN A QUALIFIED SURVEYOR KNOWLEDGEABLE IN PROPER AND UP TO DATE SURVEY TECHNIQUES. THE SURVEY CREWS SHALL BE UNDER THE SUPERVISION OF A NEW YORK STATE LICENSED PROFESSIONAL LAND SURVEYOR.
8. THE BOUNDARY AND TOPOGRAPHIC SURVEY INFORMATION SHOWN ON THIS PLAN WAS PREPARED BY THEW ASSOCIATES AND DATED 05/11/2022.
9. SUBSURFACE SOIL INFORMATION WAS OBTAINED ON THIS SITE AND PREPARED BY ATLANTIC TESTING LABORATORIES AND DRAFT BORING LOGS ARE DATED 10/22/2025. THE CONDITIONS DESCRIBED ARE NOT INTENDED AS REPRESENTATIONS OR WARRANTIES OF ACCURACY OR CONTINUITY BETWEEN TEST LOCATIONS.
10. THE START OF ANY ON-SITE CONSTRUCTION INCLUDING STRIPPING TOPSOIL, REMOVING CUT OR PLACING FILL MATERIAL ESTABLISHES THAT THE CONTRACTOR ACCEPTS THE CONTRACT DOCUMENTS AS ACCURATELY REPRESENTING THE EXISTING SITE CONDITIONS.
11. ALL FACILITIES TO BE CONSTRUCTED OR INSTALLED SHALL COMPLY WITH ALL SECTIONS AND LATEST REVISIONS OF THE REQUIREMENTS OF ALL AGENCIES OF GOVERNMENT HAVING JURISDICTION.
12. LONG LEAD AND SCARCE MATERIALS SHALL BE ORDERED IN A TIMELY MANNER TO PREVENT AVOIDABLE CONSTRUCTION DELAYS.
13. THE CONTRACTOR IS RESPONSIBLE FOR ALL DAMAGE CAUSED BY CONSTRUCTION TO EXISTING UTILITIES AND FACILITIES WHICH ARE NOT INCLUDED AS PART OF THE INTENDED WORK. THE CONTRACTOR SHALL REPAIR, RESTORE AND/OR REPLACE ALL DAMAGE TO THE SATISFACTION OF OWNER'S REPRESENTATIVE AT NO ADDITIONAL COST TO THE OWNER.
14. ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO A CONDITION EQUAL TO THAT WHICH EXISTED PRIOR TO CONSTRUCTION IN ACCORDANCE WITH SPECIFICATIONS.
15. THE CONTRACTOR SHALL RESTORE ALL DISTURBED SURFACES TO ORIGINAL OR BETTER CONDITION INCLUDING 6 INCHES OF TOPSOIL, SEED, FERTILIZER, AND MULCH. OTHER SURFACES SHALL BE RESTORED AS SHOWN ON THE DETAILS.
16. CONTRACTOR SHALL PROVIDE POSITIVE SITE DRAINAGE DURING CONSTRUCTION OPERATIONS. ALL FINAL LINES AND GRADES SHALL BE CONSTRUCTED TO MAINTAIN POSITIVE SITE DRAINAGE TO EXISTING DRAINAGE STRUCTURES.
17. ALL PAVEMENT SHALL BE SAW CUT PRIOR TO DEMOLITION AND/OR RESTORATION.
18. CONTRACTOR SHALL COORDINATE STAGING AREAS WITH OWNER.
19. WHILE EVERY EFFORT HAS BEEN MADE TO IDENTIFY THE ITEMS TO BE DEMOLISHED, IT IS THE CONTRACTOR'S RESPONSIBILITY TO REVIEW THE SCOPE OF WORK IN THE FIELD, REVIEW THESE CONTRACT DRAWINGS, ALL PREVIOUS CONSTRUCTION DRAWINGS & DOCUMENTS AND THE DEVELOPMENT SPECIFICATIONS, THE EXISTING FACILITY PLANS, AND DEMOLISH ALL ITEMS NECESSARY TO ACCOMMODATE THE PROPOSED WORK. THE CONTRACTOR SHALL ALSO REPAIR ALL SURFACES AND PLUG ABANDONED PENETRATIONS UPON REMOVAL OF THE DEMOLISHED ITEMS PER THE SPECIFICATIONS.
20. CONTRACTOR SHALL VISIT AND EXAMINE THE SITE TO FULLY UNDERSTAND ALL THE CONDITIONS PERTAINING TO THE SCOPE OF WORK, UNDERSTAND DIFFICULTIES TO BE ENCOUNTERED AND MATERIALS REQUIRED FOR THE COMPLETE INSTALLATION OF THE WORK SHOWN ON THE DRAWINGS AND OR SPECIFIED AT NO ADDITIONAL COST TO THE OWNER. THE EXACT LOCATION OF THE EXISTING PIPING, EQUIPMENT, SERVICES, CONDITIONS, ETC. SHALL BE FIELD VERIFIED. THE EXISTING SIZE OF PIPING, EQUIPMENT, ETC. SHALL BE FIELD VERIFIED. ALL PIPING, AND EQUIPMENT ELEVATIONS SHOWN OR SPECIFIED SHALL BE FIELD VERIFIED. CONTRACTOR SHALL MODIFY LAYOUT WITH THE APPROVAL OF THE ENGINEER WHERE REQUIRED TO CLEAR OBSTRUCTIONS AT NO ADDITIONAL COST TO THE OWNER.
21. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS AND MAKE ALL NECESSARY PROVISIONS FOR PROTECTION OF THE PUBLIC, THE WORKERS AND THE WORK, AND FOR MAINTENANCE AND PROTECTION OF PEDESTRIAN AND VEHICULAR TRAFFIC AS REQUIRED BY THE AGENCIES OF GOVERNMENT HAVING JURISDICTION.
22. PROMPTLY REPORT TO THE OWNER'S REPRESENTATIVE ANY DISCREPANCIES FOUND ON THE SITE OR IN THE CONTRACT DOCUMENTS FOR REVIEW AND RESOLUTION BEFORE PROCEEDING WITH THE WORK IN THE AREA IN QUESTION. PROVIDE FIELD INFORMATION SPECIFIC TO THE DISCREPANCY TO EXPEDITE RESOLUTION.
23. LOCATE, PROTECT, AND MAINTAIN BENCHMARKS, MONUMENTS, CONTROL POINTS AND PROJECT ENGINEERING REFERENCE POINTS.
24. COMPLY WITH ALL LOCAL, STATE AND FEDERAL REQUIREMENTS REGARDING MATERIALS, METHODS OF WORK AND DISPOSAL OF EXCESS AND WASTE MATERIALS.
25. BURNING OF MATERIALS OF ANY DESCRIPTION ON THE SITE IS PROHIBITED.
26. PRIOR TO PERFORMING ANY EXCAVATION WITHIN THE CONSTRUCTION AREA, CONFIRM WITH DIG SAFELY NEW YORK AT 1-800-962-7962 THAT ALL EXISTING UNDERGROUND UTILITY LOCATIONS ARE CURRENTLY VERIFIED, OR ARRANGE FOR VERIFICATION.
27. MATERIALS SUITABLE FOR BACKFILL SHALL INCLUDE ONLY MATERIALS THAT ARE FREE OF DEBRIS, ROOTS, STUMPS, ORGANIC MATTER, FROZEN MATTER, COAL, ASH, SLAG, AND OTHER DELETERIOUS MATERIALS IN AS RECOMMENDED BY THE GEOTECHNICAL REPORT.
28. BACKFILL SHALL BE COMPACTED TO A MINIMUM OF 95% STANDARD PROCTOR MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 698, UNLESS A GREATER LEVEL OF COMPACTION IS REQUIRED BY THE GEOTECHNICAL REPORT.
29. SOUND BARRIERS WILL BE POSITIONED ON THE NORTHEAST AND SOUTHWEST FENCELINES AS DEPICTED ON THE SITE PLAN WITH THE FOLLOWING SPECIFICATIONS
    - 29.1. SURFACE DENSITY OF AT LEAST 2LB./SF
    - 29.2. MATERIAL WILL BE MOSTLY REFLECTIVE WITH AN AVERAGE ABSORPTION COEFFICIENT OF 0.21
    - 29.3. APPROXIMATE DIMENSIONS OF THE BARRIERS ARE AS FOLLOWS (LxH)
    - 29.4. NORTHEAST FENCELINE - 138' X 12' AND 38' X 10'
    - 29.5. SOUTHWEST FENCELINE - 224' X 12'
30. SECURITY CAMERAS SHALL BE INSTALLED ON SITE IN ACCORDANCE WITH APPLICABLE REQUIREMENTS

UTILITIES NOTES:

1. EXISTING UTILITIES (PIPE/STRUCTURE LOCATIONS, SIZES, AND INVERT ELEVATIONS) SHOWN ON THESE PLANS HAVE BEEN PLOTTED FROM FIELD SURVEYS AND RECORDED MAPS AND SHALL BE INTERPRETED AS APPROXIMATE ONLY. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING AND FIELD VERIFYING ALL EXISTING INFORMATION AT ALL LOCATIONS IN CLOSE PROXIMITY TO THE UTILITIES AND WORK UNDER CONSTRUCTION. THIS INFORMATION INCLUDES BUT IS NOT LIMITED TO EXISTING PIPE AND STRUCTURE SIZES, PIPE AND STRUCTURE LOCATIONS, PIPE SLOPES, STRUCTURE RIM AND INVERT ELEVATIONS, PIPE MATERIALS AND PIPE CONDITIONS. THIS SHALL INCLUDE PIPE INVERTS, MATERIALS AND SIZES FOR UTILITIES CONNECTING TO DOWNSTREAM STRUCTURES. THIS VERIFICATION SHALL BE COMPLETED PRIOR TO THE COMMENCEMENT OF SHOP DRAWING SUBMITTALS, ORDERING OF MATERIALS, AND THE START OF ANY REMOVALS FOR THIS PROJECT. ANY PROPOSED MODIFICATIONS TO THE DESIGN SHALL BE SUBMITTED AS SHOP DRAWINGS INCLUDING BUT NOT LIMITED TO DESIGN DRAWINGS AND UTILITY PROFILES INCLUDING PIPE AND STRUCTURE LAYOUT, STRUCTURE RIM AND INVERT ELEVATIONS, AND PIPE SIZES, MATERIALS AND SLOPES.
2. THE OWNER'S REPRESENTATIVE SHALL REVIEW THE LAYOUT OF ALL PAVEMENTS, UTILITIES, AND PLANTINGS IN THE FIELD BEFORE INSTALLATION. THE CONTRACTOR SHALL SCHEDULE ADVANCED NOTIFICATION TO THE OWNER'S REPRESENTATIVE TO FACILITATE TIMELY REVIEW.
3. THE CONTRACTOR SHALL NOTIFY THE OWNER IN ADVANCE OF ANY EXCAVATION WORK THAT WILL TAKE PLACE WITHIN 5' OF THE UTILITY POLE. THE CONTRACTOR SHALL INCLUDE THE COST OF TEMPORARY POLE SUPPORT IN THE APPROPRIATE BID ITEM. WHERE UTILITY POLES ARE REQUIRED TO BE SUPPORTED DURING CONSTRUCTION, THE CONTRACTOR SHALL MAKE ALL NECESSARY ARRANGEMENTS WITH THE UTILITY COMPANY.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEWATERING AND MAINTENANCE OF SURFACE WATER AND/OR GROUNDWATER ENCOUNTERED DURING THE COURSE OF WORK.
5. PRIOR TO START OF WORK, THE CONTRACTOR SHALL PROVIDE EXPLORATORY EXCAVATIONS AND COORDINATE ALL PIPING LAYOUTS WITH THE OWNER'S REPRESENTATIVE TO ELIMINATE ALL CONFLICTS WITH EXISTING UTILITIES.
6. THE USE OF EXPLOSIVES OF ANY DESCRIPTION ON THE SITE IS PROHIBITED.
7. CONSTRUCTION DEBRIS AND DEMOLISHED MATERIALS SHALL BE REMOVED FROM THE SITE AT REGULAR INTERVALS AS DETERMINED BY THE OWNER'S REPRESENTATIVE AND SHALL NOT BE ALLOWED TO ACCUMULATE. EMPLOY APPROPRIATE MEASURES TO PREVENT LOOSE DEBRIS FROM LEAVING THE CONSTRUCTION AREA.
8. PERFORM WORK AND PROVIDE ALL MATERIALS NECESSARY TO DISCONNECT OR RELOCATE EXISTING UTILITIES. COORDINATE WITH THE RESPECTIVE UTILITY COMPANIES FOR SHUTOFF AND RECONNECTION OF ACTIVE SERVICES. RECORD EXISTING UTILITY TERMINATION POINTS BEFORE DISCONNECTION.
9. THE CONTRACTOR SHALL MAINTAIN EXISTING SANITARY SEWER AND WATER SERVICES AT ALL TIMES.
10. ALL STRUCTURES SHALL MEET THE AMERICAN ASSOCIATION OF STATE HIGHWAY & TRANSPORTATION OFFICIALS (AASHTO) H20 LOADING REQUIREMENTS.
11. ALL NEW UTILITY LATERALS SHALL BE INSTALLED WITH A MINIMUM 1/4" PER FOOT SLOPE.
12. UNDERDRAINS SHALL BE INSTALLED PARALLEL TO FINISHED GRADE, OR AS INDICATED ON THE PLAN.
13. ALL EXISTING DRAINAGE FACILITIES SHALL BE MAINTAINED FREE OF DEBRIS AND FOREIGN MATTER AND BE IN OPERATION THROUGHOUT CONSTRUCTION.
14. DISTANCES SHOWN ON PIPING ARE HORIZONTAL DISTANCES FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE, UNLESS OTHERWISE NOTED.

EROSION & SEDIMENT CONTROL & POLLUTION PREVENTION NOTES

1. AVOID ANY DISTURBANCE OF EXISTING VEGETATION ON THE SITE EXCEPT THE VEGETATION SPECIFICALLY DESIGNATED TO BE REMOVED.
2. TAKE ALL PRECAUTIONS NECESSARY TO PREVENT EROSION AND CONTROL SEDIMENTATION AS REQUIRED BY THE AGENCIES OF GOVERNMENT HAVING JURISDICTION.
3. THIS PROJECT WILL OBTAIN COVERAGE UNDER THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, PERMIT NO. GP-0-25-001 (GENERAL PERMIT). THE GENERAL PERMIT AUTHORIZES STORMWATER DISCHARGES TO SURFACE WATERS OF THE STATE FROM CONSTRUCTION RELATED ACTIVITIES. A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) HAS BEEN PREPARED IN ACCORDANCE WITH THIS PERMIT AND IS PART OF THE CONTRACT AND CONSTRUCTION REQUIREMENTS FOR THIS PROJECT. THE CONTRACTOR SHALL OBTAIN A COPY OF THE APPROVED SWPPP FOR THIS PROJECT, PRIOR TO DEVELOPING A BID PRICE FOR THE OWNER. THE SWPPP INCLUDES THE REQUIREMENTS FOR PRECONSTRUCTION ACTIVITIES, INSPECTIONS DURING CONSTRUCTION, AND POST CONSTRUCTION CERTIFICATIONS THAT MUST BE FOLLOWED BY THE CONTRACTOR AND THE OWNER TO STAY IN COMPLIANCE WITH THIS PERMIT. THESE REQUIREMENTS ARE DESCRIBED IN THE SWPPP AND SHALL BE INCLUDED INTO THE CONTRACTOR'S BID PRICING FOR THIS PROJECT, AS WELL AS THE CONDITIONS OF WORK BY BOTH THE CONTRACTOR AND OWNER.
4. TOP DRESS, SEED, AND MULCH OR SOD ALL LAWN AREAS DISTURBED BY THE CONSTRUCTION AS SOON AS THE FINISHED GRADING OPERATION IS COMPLETED.
5. MAINTAIN AN ADEQUATE SUPPLY OF EROSION AND SEDIMENT CONTROL MATERIALS AT THE CONSTRUCTION SITE AT ALL TIMES TO BE USED FOR URGENT SITUATIONS, SUCH AS UNEXPECTED HEAVY RAINFALL.
6. MAINTENANCE AND REPAIR OF ALL EQUIPMENT AND VEHICLES INVOLVING OIL CHANGES, HYDRAULIC SYSTEM AND FUEL TANK DRAIN DOWN, DEGREASING OPERATIONS AND OTHER ACTIVITIES THAT MAY RESULT IN THE ACCIDENTAL RELEASE OF CONTAMINANTS MUST BE CONDUCTED OFF-SITE. ACCIDENTAL SPILLS MUST BE CLEANED UP IMMEDIATELY AND CONTAMINANTS DISPOSED OF PROPERLY.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING SOIL AND EXCESS EXCAVATED EARTH STOCKPILES AT A STABLE LOCATION. STOCKPILES SHALL BE STABILIZED PER THE DETAIL.
8. ALL UNSUITABLE OR EXCESS EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
9. CONSTRUCTION ROUTES SHALL BE STABILIZED PER THE NYS STANDARDS FOR EROSION AND SEDIMENT CONTROL, AS NECESSARY BASED ON SITE CONDITIONS.
10. THE CONTRACTOR IS RESPONSIBLE FOR THE PLACEMENT, DESIGN, APPROVAL, AND OPERATION OF THE CONCRETE WASHOUTS. THE CONCRETE WASHOUTS SHALL BE INSTALLED A MINIMUM OF 50' FROM STORM DRAINAGE OR SURFACE WATER. CONCRETE WASTE MATERIAL SHALL NOT BE ALLOWED TO ESCAPE FROM THE CONCRETE WASHOUT.
11. SOLID WASTE SHALL BE STORED IN COVERED DUMPSTERS OR OTHER APPROPRIATE CONTAINERS. WASTE IS TO BE DISPOSED OF REGULARLY AND PROPERLY IN ACCORDANCE WITH LOCAL, STATE, AND/OR FEDERAL REGULATIONS.
12. THE EROSION AND SEDIMENT CONTROLS ARE SHOWN FOR A CONDITION WHEN ALL WORK IS OCCURRING SIMULTANEOUSLY. ACTUAL INSTALLATIONS SHALL BE ADJUSTED BASED ON CURRENT CONSTRUCTION ACTIVITY AND SITE CONDITIONS.
13. TREE CLEARING SHALL OCCUR BETWEEN NOVEMBER 1 AND MARCH 31.

CODES AND STANDARDS:

1. ALL CODES, REGULATIONS, AND STANDARDS REFERRED TO HEREIN ARE TO BE CONSIDERED AS PART OF THESE DRAWINGS AND SPECIFICATIONS. THE LATEST REVISION OF THE FOLLOWING CODES, REGULATIONS, AND STANDARDS APPLY AT A MINIMUM FOR THE WORK:
   - 1.1. AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO)
   - 1.2. AMERICAN CONCRETE INSTITUTE (ACI)
   - 1.3. AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC)
   - 1.4. AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE)
   - 1.5. AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME)
   - 1.6. AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)
   - 1.7. CONCRETE REINFORCING STEEL INSTITUTE (CRSI)
   - 1.8. CODE OF FEDERAL REGULATIONS (CFR)
   - 1.9. INSULATED CABLE ENGINEERS ASSOCIATION (ICEA)
   - 1.10. INTERNATIONAL ELECTRO-TECHNICAL COMMISSION (IEC)
   - 1.11. INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE)
   - 1.12. NATIONAL BUREAU OF STANDARDS (NBS)
   - 1.13. NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION (NEMA)
   - 1.14. NATIONAL ELECTRIC CODE (NEC)
   - 1.15. NATIONAL ELECTRIC SAFETY CODE (NESC)
   - 1.16. NATIONAL ELECTRICAL TESTING ASSOCIATION (NETA)
   - 1.17. NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)
   - 1.18. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (NIST)
   - 1.19. NATIONAL READY MIXED CONCRETE ASSOCIATION (NRMCA)
   - 1.20. NEW YORK STATE DEPARTMENT OF ENVIORNMENTAL CONCERVATION (NYSDEC)
   - 1.21. NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)
   - 1.22. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
   - 1.23. UNIFORM BUILDING CODE (UBC)
   - 1.24. UNDERWRITER'S LABORATORIES, INC. (UL).
2. IN THE ABSENCE OF A DEFINED LOCAL BUILDING CODE OR REGULATION, THE LATEST VERSION OF THE INTERNATIONAL CODE COUNCIL CODES SHALL BE USED AS THE BASIS FOR THE WORK.

PERMANENT SEEDING

PERMANENT SEEDING IS DEFINED AS ESTABLISHING PERMANENT GRASSES WITH OTHER FORBS AND/OR SHRUBS TO PROVIDE A MINIMUM 80% PERENNIAL VEGETATIVE COVER ON AREAS DISTURBED BY CONSTRUCTION AND CRITICAL AREAS TO REDUCE EROSION AND SEDIMENT TRANSPORT. CRITICAL AREAS MAY INCLUDE BUT ARE NOT LIMITED TO STEEP EXCAVATED CUT OR FILL SLOPES AS WELL AS ERODING OR DENUDED NATURAL SLOPES AND AREAS SUBJECT TO EROSION.

SEEDING SPECIFICATIONS:

1. PERMANENT SEEDING SHALL BE DONE IN ACCORDANCE WITH THE *NYS STANDARDS AND SPECIFICATIONS (STANDARDS AND SPECIFICATIONS) FOR EROSION AND SEDIMENT CONTROL PERMANENT CONSTRUCTION* OR THE SUPPLIER (E.G. ERNST CONSERVATION SEEDS) AS APPLICABLE.
2. ALL WATER CONTROL MEASURES SHALL BE INSTALLED AS NEEDED PRIOR TO FINAL GRADING AND SEEDBED PREPARATION.
3. ANY SEVERELY COMPACTED SECTIONS WILL REQUIRE CHISELING OR DISKING TO PROVIDE AN ADEQUATE ROOTING ZONE, TO A MINIMUM DEPTH OF 1 2", SEE NYS STANDARD AND SPECIFICATIONS FOR SOIL RESTORATION .
4. THE SEEDBED MUST BE PREPARED TO ALLOW GOOD SOIL TO SEED CONTACT, WITH THE SOIL NOT TOO SOFT AND NOT TOO COMPACT. ADEQUATE SOIL MOISTURE MUST BE PRESENT TO ACCOMPLISH THIS.
5. IF SURFACE IS POWDER DRY OR STICKY WET, POSTPONE OPERATIONS UNTIL MOISTURE CHANGES TO A FAVORABLE CONDITION.
6. IF SEEDING IS ACCOMPLISHED WITHIN 24 HOURS OF FINAL GRADING, ADDITIONAL SCARIFICATION IS GENERALLY NOT NEEDED, ESPECIALLY ON DITCH OR STREAM BANKS.
7. REMOVE ALL STONES AND OTHER DEBRIS FROM THE SURFACE THAT ARE GREATER THAN 4 INCHES, OR THAT WILL INTERFERE WITH FUTURE MOWING OR MAINTENANCE.
8. SOIL AMENDMENTS SHOULD BE INCORPORATED INTO THE UPPER 2 INCHES OF SOIL WHEN FEASIBLE. THE SOIL SHOULD BE TESTED TO DETERMINE THE AMOUNTS OF AMENDMENTS NEEDED. APPLY GROUND AGRICULTURAL LIMESTONE TO ATTAIN A PH OF 6. 0 IN THE UPPER 2 INCHES OF SOIL.
9. IF SOIL MUST BE FERTILIZED BEFORE RESULTS OF A SOIL TEST CAN BE OBTAINED TO DETERMINE FERTILIZER NEEDS, APPLY COMMERCIAL FERTILIZER AT 600 LBS. PER ACRE OF 5 -5-10 OR EQUIVALENT OR AS SPECIFIED BY THE SUPPLIER (E.G. ERNST CONSERVATION SEEDS) AS APPLICABLE.

PERMANENT SEED MIX:

ALL SEED MIXES SHALL BE FREE OF INVASIVE SPECIES.

1. WOODED AND OPEN WOODED AREAS ALONG OVERHEAD GEN-TIE ROUTE (OPTION-1)

   PERMANENT SEED MIX SHALL BE ERNST CONSERVATION SEEDS “RIGHT-OF-WAY NATIVE WOODS MIX W/ANNUAL RYEGRASS - ERNMX-132-1” OR APPROVED EQUAL.

   SEEDING RATE: 30 LBS PER ACRE

   MIX COMPOSITION
   - 30.00% LOLIUM MULTIFLORUM (ANNUAL RYEGRASS)
   - 24.00% PANICUM CLANDESTINUM, TIOGA (DEERTONGUE, TIOGA)
   - 14.40% PANICUM VIRGATUM, 'HABITAT'-NJ ECOTYPE (SWITCHGRASS, 'HABITAT'-NJ ECOTYPE)
   - 13.30% ELYMUS VIRGINICUS, MADISON-NY ECOTYPE (VIRGINIA WILDRYE, MADISON-NY ECOTYPE)
   - 10.00% FESTUCA RUBRA (CREEPING RED FESCUE)
   - 5.00 % AGROSTIS PERENNANS, ALBANY PINE BUSH-NY ECOTYPE (AUTUMN BENTGRASS, ALBANY PINE BUSH-NY ECOTYPE)
   - 3.00 % CAREX VULPINOIDEA, PA ECOTYPE (FOX SEDGE, PA ECOTYPE)
   - 0.30 % ASTER PILOSUS, PA ECOTYPE (HEATH ASTER, PA ECOTYPE)
2. ALL OTHER DISTURBED AREAS THAT ARE TO BE VEGETATED

   PERMANENT SEED MIX SHALL BE *NYS STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL PERMANENT CONSTRUCTION* AREA MIX #6 OR APPROVED EQUAL.

MIX #6

Species	Variety	Rate in lbs./ acre (PLS)	Rate in lbs. / 1,000 ft2
Creeping red fescue	Ensylva, Pennlawn, Boreal	20	0.45
Chewings Fescue	Common	20	0.45
Perennial ryegrass	Pennfine, Linn	5	0.10
Red Clover	Common	10	0.45

Pure Live Seed, or (PLS) refers to the amount of live seed in a lot of bulk seed.

SEEDING DATES:

EARLY SPRING IS THE OPTIMUM TIMING FOR SEEDING.

PERMANENT SEEDINGS MAY BE MADE ANY TIME OF YEAR IF PROPERLY MULCHED AND ADEQUATE MOISTURE IS PROVIDED.

SEEDING IN LATE JUNE THROUGH EARLY AUGUST IS NOT RECOMMENDED BUT MAY BE USED TO FACILITATE COVERING THE LAND WITHOUT ADDITIONAL DISTURBANCE IF CONSTRUCTION IS COMPLETED. PORTIONS OF THE SEEDING MAY FAIL DUE TO DROUGHT AND HEAT, AND THESE AREAS MAY NEED RESEEDING IN LATE SUMMER/FALL OR THE FOLLOWING SPRING.

METHOD OF SEEDING:

BROADCASTING, DRILLING, CULTIPACK TYPE SEEDING, OR HYDROSEEDING ARE ACCEPTABLE METHODS. FOR THE RIGHT-OF-WAY NATIVE WOODS MIX W/ANNUAL RYEGRASS - ERNMX-132-1, HAND SEED, BROADCAST SEED, OR HYDROSEED. USE A GARDEN RAKE, DRAG, OR ROLL THE SURFACE TO INCORPORATE THE SEED INTO THE SOIL 1/4”-1/2” DEEP. A SEED DRILL MAY BE USED WHEN SUFFICIENT ROOM EXISTS FOR OPERATION

MULCHING

MULCHING SHALL BE DONE USING SMALL GRAIN STRAW APPLIED AT A RATE OF 2 TONS PER ACRE AND ANCHORED WITH A NETTING OR TACKIFIER. APPLY MULCH AFTER SOIL AMENDMENTS AND PLANTING IS ACCOMPLISHED OR SIMULTANEOUSLY IF HYDROSEEDING IS USED. SEE THE *NYS STANDARD AND SPECIFICATIONS FOR MULCHING* FOR MULCHING AND ANCHORING SELECTION AND REQUIREMENTS.

ABBREVIATIONS

AL	ALUMINUM
ACT	ACTUAL
APPR	APPROXIMATE/ APPROXIMATELY
BC	BOTTOM OF CURB
BLDG	BUILDING
BM	BENCHMARK
BOS	BOTTOM OF SLOPE
BS	BOTTOM OF STAIR
BW	BOTTOM OF WALL
B&B	BALLED AND BURLAPPED
CAL	CALIPER
CB	CATCH BASIN
CF	CUBIC FEET
CI	CAST IRON
CIP	CAST IN PLACE
CIR	CIRCLE/CIRCULAR
CJ	CONTROL JOINT
CLF	CHAIN-LINK FENCE
CLL	CONTRACT LIMIT LINE
CLR	CLEAR
CMP	CORRUGATED METAL PIPE
CO	CLEANOUT
COL	COLUMN
CONC	CONCRETE
CONT	CONTAINER
CONTR	CONTRACTOR
CY	CUBIC YARDS
DET	DETAIL
DIM	DIMENSION
DIA	DIAMETER
DMH	DROP MANHOLE
DWG	DRAWING
E	EAST
EA	EACH
EJ	EXPANSION JOINT
EL	ELEVATION
EQ	EQUAL
ES	END SECTION
EX	EXISTING
EXP	EXPANSION
FFE	FINISHED FLOOR ELEVATION
FG	FINISHED GRADE
FIN	FINISH
FL	FLOOR
FTG	FOOTING
FT	FOOT/FEET
GA	GAUGE
GAL	GALLON
GALV	GALVANIZED
GC	GENERAL CONTRACTOR
GR	GUARDRAIL
GV	GAS VALVE
HOR	HORIZONTAL
HP	HIGH POINT
HT	HEIGHT
HW	HEAD WALL
HWY	HIGHWAY
HYD	HYDRANT
ID	INSIDE DIAMETER
IN	INCH/INCHES
INL	INLET
INV	INVERT
IP	IRON PIPE
JB	JUNCTION BOX
L	LENGTH/LONG
LA	LANDSCAPE ARCHITECT
LAT	LATITUDE
LF	LINEAR FEET
LFT	LEFT
LIN	LINEAR
LP	LOW POINT
M	METER
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
MISC	MISCELLANEOUS
MON	MONUMENT
N	NORTH
NIC	NOT IN CONTRACT
NOM	NOMINAL
NTS	NOT TO SCALE
NUM	NUMBER
OC	ON CENTER
OCEW	ON CENTER EACH WAY
OD	OUTSIDE DIAMETER
OP	OUTLET PROTECTION
PA	PLANTING AREA
PC	POINT OF CURVATURE
PL	PROPERTY LINE
PT	POINT OF TANGENT/ PERCOLATION TEST LOCATION
PVC	POLYVINYL CHLORIDE
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
REINF	REINFORCING
REQD	REQUIRED
REV	REVISION
ROW	RIGHT OF WAY
RT	RIGHT
S	SOUTH
SAN	SANITARY
SECT	SECTION
SF	SQUARE FOOT
SG	SUB GRADE
SH	SHEET
SI	STORM INLET
SL	STREET LIGHT
SPEC	SPECIFICATIONS/ SPECIFIED
SQ	SQUARE
SS	STAINLESS STEEL
STA	STATION
STL	STEEL
SY	SQUARE YARD
T	TANGENT
TB	TEST BORING
TC	TOP OF CURB
TOS	TOP OF SLOPE
TS	TOP OF STAIR
TW	TOP OF WALL
TYP	TYPICAL
T&G	TONGUE AND GROOVE
UD	UNDERDRAIN
USGS	UNITED STATES GEOLOGICAL SURVEY
VAR	VARIES/VARIABLE
VCP	VITRIFIED CLAY PIPE
VERT	VERTICAL
W	WEST
WE	WATER ELEVATION
WL	WALK LIGHT
WV	WATER VALVE
WWM	WOVEN WIRE MESH
W/	WITH
W/O	WITHOUT
YD	YARD DRAIN
℄	CENTER LINE
±	PLUS OR MINUS
Δ	CHANGE IN VALUE
<	LESS THAN
>	GREATER THAN

TEMPORARY SEEDING:

SEEDING SPECIFICATIONS:

1. PROVIDING TEMPORARY EROSION CONTROL PROTECTION TO DISTURBED AREAS AND/OR LOCALIZED CRITICAL AREAS FOR AN INTERIM PERIOD BY COVERING ALL BARE GROUND THAT EXISTS AS A RESULT OF CONSTRUCTION ACTIVITIES OR A NATURAL EVENT. CRITICAL AREAS MAY INCLUDE BUT ARE NOT LIMITED TO STEEP EXCAVATED CUT OR FILL SLOPES AND ANY DISTURBED, DENUDED NATURAL SLOPES SUBJECT TO EROSION
2. WATER MANAGEMENT PRACTICES MUST BE INSTALLED AS APPROPRIATE FOR SITE CONDITIONS.
3. THE AREA MUST BE ROUGH GRADED AND SLOPES PHYSICALLY STABLE.
4. LARGE DEBRIS AND ROCKS ARE USUALLY REMOVED.
5. SEEDBED MUST BE SEEDED WITHIN 24 HOURS OF DISTURBANCE OR SCARIFICATION OF THE SOIL SURFACE WILL BE NECESSARY PRIOR TO SEEDING.

TEMPORARY SEED MIX:

ALL SEED MIXES SHALL BE FREE OF INVASIVE SPECIES.

TEMPORARY SEEDING MIX SHALL BE DONE IN ACCORDANCE WITH *STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL TEMPORARY CONSTRUCTION* AREA.

SPRING OR SUMMER OR EARLY FALL: RYEGRASS (ANNUAL OR PERENNIAL) AND 30 LBS. PER ACRE (APPROXIMATELY 0.7 LB./1000 SQ. FT. OR USE 1 LB./1000 SQ. FT.)

LATE FALL OR EARLY WINTER: CERTIFIED 'AROOSTOOK' WINTER RYE (CEREAL RYE) AT 100 LBS. PER ACRE (2.5 LBS./1000 SQ. FT.) AT 100 LBS. PER ACRE (2.5 LBS./1000 SQ. FT.).

MULCHING

MULCH THE AREA WITH HAY OR STRAW AT 2 TONS/ACRE (APPROX. 90 LBS./1000 SQ. FT. OR 2 BALES). MULCH ANCHORING IS REQUIRED WHERE WIND OR AREAS OF CONCENTRATED WATER ARE OF CONCERN. WOOD FIBER HYDROMULCH OR OTHER SPRAYABLE PRODUCTS APPROVED FOR EROSION CONTROL MAY BE USED IF APPLIED ACCORDING TO MANUFACTURERS' SPECIFICATION. NYLON OR SYNTHETIC MULCH PRODUCTS SHALL NOT BE USED.

ZONING INFORMATION

TAX PARCEL	ZONING DISTRICT	
18.1-1-5.100	I	INDUSTRIAL & AQUIFER PROTECTION OVERLAY DISTRICT (AQUIFER WATERSHED ZONE)
SETBACKS		
TYPE	MINIMUM PER CODE	MINIMUM PROVIDED
FRONT	40'	922'
SIDE	30'	61'
REAR	50'	N/A
LOT COVERAGE		
TOTAL LOT AREA	59.8	ACRE
PROPOSED LOT COVERAGE	0.516	ACRE
PROPOSED LOT COVERAGE	0.86	PERCENT

CONSTRUCTION SEQUENCE:

THE CONTRACTORS SHALL INSTALL EROSION AND SEDIMENT CONTROL PRACTICES DOWNSTREAM OF THE PROJECT AREA, PRIOR TO DISTURBANCE, TO PREVENT SEDIMENT TRANSPORT TO OFFSITE AREAS. GENERAL CONSTRUCTION SEQUENCE INCLUDES:

1. INSTALL TEMPORARY STABILIZED CONSTRUCTION ENTRANCE AND TEMPORARY CONSTRUCTION STAGING AREA. INSTALL SILT FENCE ON DOWNGRADIENT SIDE OF ENTIRE TEMPORARY STAGING AREA.
2. INSTALL CONSTRUCTION FENCE, VEGETATION PROTECTION, AND CONSTRUCTION ROAD STABILIZATION AS NECESSARY FOR SITE WORK.
3. INSTALL SILT FENCE PRIOR TO UPGRADIENT SOIL DISTURBANCES.
4. REMOVAL OF ORGANIC MATERIAL FOR ACCESS ROAD.
5. CLEAR TREES AND GRUB STUMPS AND BRUSH.
6. CLEAR TREES WITHIN WETLANDS VIA NON MECHANIZED METHODS, STUMPS TO REMAIN.
7. STRIP TOPSOIL AND CREATE STABILIZED STOCKPILE ON SITE.
8. INSTALL AND STABILIZE SEDIMENT TRAPPING DEVICES ALONG WITH CONTRIBUTING DRAINAGE SWALES.
9. ESTABLISH ROUGH GRADE FOR SITE AND STORMWATER MANAGEMENT PRACTICES. LEAVE SLOPE SURFACES SLIGHTLY ROUGHENED TO A DEPTH OF 1-2 INCHES. DO NOT BACK BLADE SLOPES.
10. INSTALL TEMPORARY AND/OR PERMANENT CHECK DAMS IN DRAINAGE SWALES AS DETAILED AND SHOWN ON THE EROSION AND SEDIMENT CONTROL PLANS.
11. BEGIN SITE WORK INCLUDING UTILITIES INSTALLATION, GRADING, AND ROAD CONSTRUCTION.
12. COMPLETE SOIL RESTORATION PER SECTION 5.1.6 OF THE DESIGN MANUAL ON ALL DISTURBED AREAS THAT WILL BE VEGETATED IN THEIR FINAL STATES.
13. COMPLETE FINE GRADING.
14. APPLY PERMANENT SEED AND MULCH.
15. WHEN SITE HAS REACHED FINAL STABILIZATION, REMOVE TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES.

FOR MUNICIPAL REVIEW

10/6/2026

NOT FOR CONSTRUCTION

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ORIGINAL DRAWING SIZE: ARCH D (24" X 36")

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The following is paraphrased from the New York Education Law, Article 145, Section 7209, and Chapter II, Section 79-1.4, and applies to this drawing: "It is a violation of this law for any person unless he is acting under the direction of a licensed professional engineer, licensed landscape architect or licensed land surveyor to alter an item in any way. If an item bearing the seal of an engineer, landscape architect or land surveyor is altered, the altering engineer, landscape architect or land surveyor shall affix to the item his seal and the notation "altered by" followed by his signature and the date of such alteration and a specific description of the alteration".

CLIENT: KEY CAPTURE ENERGY

EDR a better environment

Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C.
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PROJECT TITLE: **KCE NY 34 - BATTERY ENERGY STORAGE FACILITY**

PROJECT LOCATION: **TOMSONS ROAD, TOWN OF SAUGERTIES, ULSTER COUNTY, NY**

CLIENT: **KEY CAPTURE ENERGY, LLC**

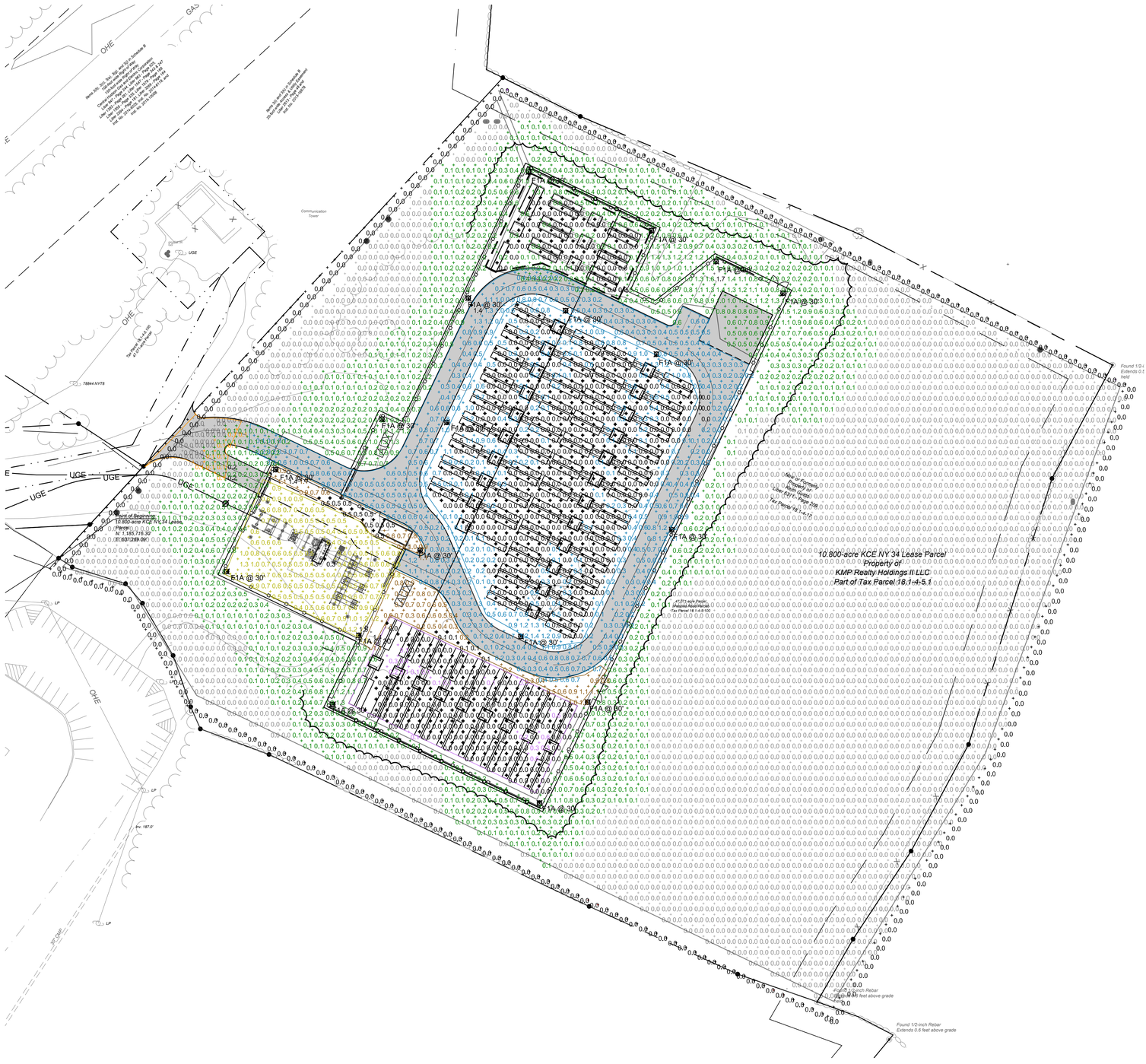
DRAWING TITLE: **GENERAL NOTES AND ABBREVIATIONS**

DRAWINGS ISSUED FOR / REVISIONS

NO.	DATE	ISSUED FOR / REVISION	BY	CHK	APP
1	1/30/2026	REVISED STORMWATER MANAGEMENT	ZR		
2	2/25/2026	REVISED INFILTRATION TEST LOCATION	AB	SS	
3	04/03/2026	REVISED PER COMMENTS	JJO	SS	
4	07/07/2026	REVISED FOR PERMITTING	MJL	SS	
5	10/05/2026	REVISED PER COMMENTS	MJL	SS	
6					

EDR JOB#: **22055**
DATE: **APRIL 03, 2026**
SCALE: **AS NOTED**
DRAWN BY: **ZR**
CHECKED BY: **TD**
DRAWING NUMBER: **G-002**

Date Printed: 10/6/2026 12:28:42 PM



SITE PLAN
SCALE: 1" = 50'

Schedule

Symbol	Label	Catalog Number	Description	Lamp	Number Lamps	Lumens per Lamp	LLF	Wattage
S	**F1A**	RSX1 LED P1 30K R4	RSX Area Fixture Size 1 P1 Lumen Package 3000K CCT Type R4 Distribution		1	6543	0.88	51.34

Statistics

Description	Avg	Max	Min	Max/Min	Avg/Min
AUX Area	0.6 fc	1.4 fc	0.1 fc	14.0:1	6.0:1
Building Area	0.7 fc	1.4 fc	0.5 fc	2.8:1	1.4:1
East Property Line	0.0 fc	0.0 fc	0.0 fc	N/A	N/A
Entry Driveway	0.1 fc	0.2 fc	0.0 fc	N/A	N/A
North Property Line	0.0 fc	0.0 fc	0.0 fc	N/A	N/A
Roadway	0.5 fc	1.4 fc	0.0 fc	N/A	N/A
Site	0.1 fc	1.7 fc	0.0 fc	N/A	N/A
South Property Line	0.0 fc	0.0 fc	0.0 fc	N/A	N/A
Transforner Area	0.7 fc	1.5 fc	0.3 fc	5.0:1	2.3:1
Typical East/West Aisles	0.2 fc	1.5 fc	0.0 fc	N/A	N/A
Typical North/South Aisles	0.0 fc	0.8 fc	0.0 fc	N/A	N/A
West Property Line	0.0 fc	0.0 fc	0.0 fc	N/A	N/A

FOR MUNICIPAL REVIEW
10/6/2026
NOT FOR CONSTRUCTION

N

50 0 25 50 100
GRAPHIC SCALE (IN FEET)

ORIGINAL DRAWING SIZE: ARCH D (24" X 36")
T:\22055 KCE NY 34 Saugerties\Cad\Working Drawings\C-100 SERIES.dwg
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The following is paraphrased from the New York Education Law, Article 145, Section 7209, and Chapter II, Section 79-1.4, and applies to this drawing: "It is a violation of this law for any person unless he is acting under the direction of a licensed professional engineer, licensed landscape architect or licensed land surveyor to alter an item in any way. If an item bearing the seal of an engineer, landscape architect or land surveyor is altered, the altering engineer, landscape architect or land surveyor shall affix to the item his seal and the notation "altered by" followed by his signature and the date of such alteration and a specific description of the alteration".

CLIENT: KEY CAPTURE ENERGY

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Environmental Design & Research,
a better environment
Landscape Architecture, Engineering & Environmental Services, D.P.C.
41 State Street, Suite 806
Albany, New York 12207
P. 518.451.9150

PROJECT TITLE: **KCE NY 34 - BATTERY ENERGY STORAGE FACILITY**
PROJECT LOCATION: **TOMSONS ROAD, TOWN OF SAUGERTIES, ULSTER COUNTY, NY**
CLIENT: **KEY CAPTURE ENERGY, LLC**
DRAWING TITLE: **PHOTOMETRIC PLAN**

DRAWINGS ISSUED FOR / REVISIONS

NO.	DATE	ISSUED FOR / REVISION	BY	CHK	APP
1	1/30/2026	REVISED STORMWATER MANAGEMENT	ZR		
2	2/25/2026	REVISED INFILTRATION TEST LOCATION	AB	SS	
3	04/03/2026	REVISED PER COMMENTS	JJO	SS	
4	07/07/2026	REVISED FOR PERMITTING	MIL	SS	
5	10/05/2026	REVISED PER COMMENTS	MIL	SS	
6					

EDR JOB#: **22055**
DATE: **APRIL 03, 2026**
SCALE: **1"= 50'**
DRAWN BY: **AG**
CHECKED BY:
DRAWING NUMBER:
C-104

10/6/2026

KCE NY 34 LLC Response to Nelson Pope Voorhis (NPV) Ecological Memorandum dated August 14, 2026

NPV Memorandum Sent To: Howard Post, Planning Board Chair
Members, Saugerties Planning Board

Sent From: Hannah Motyka
Dylan Tuttle

Re: KCE NY 34 LLC, 7 Tomsons Road, #150, SBL 18.1-4-5.100

NPV responses have been added in blue. Previously addressed comments where no further action is required have been removed for clarity and can be found on prior memos

Please note that all KCE responses are in red.

Memorandum: Listed Species Review, Habitat Assessment, and preliminary impact Determination

1. The "Listed Species Review, Habitat Assessment, and Preliminary Impact Determination" utilized the beta version of the USFWS IPaC intended for testing use only. The applicant should utilize the "Live" version of IPaC to ensure the accuracy of the species list and the technical assistance letter generated by use of the D-Keys.

   4/10 KCE Response: EDR conducted an updated USFWS IPaC review for the Project on March 30, 2026 using the "Live" version of the IPaC system. Please refer to the attached Listed Species Memorandum – Revision 1. The Official Species 2 List and Technical Assistance Letters generated by the beta version and the "Live" version of the IPaC identified the same species and determination key results

   5/14 NPV Response: The completion of the IPaC review and relevant D-key has generated a determination of "May Affect" for the endangered Indiana bat. If additional coordination was initiated, KCE should provide any additional correspondence with the USFWS. Per the provided memorandum Listed Species Review, Habitat Assessment, and Preliminary Impact Determination, KCE has agreed to limit tree clearing activities to November 1 thru March 31 of any given year when the referenced endangered bat species are not anticipated to be active within the landscape.

   7/7 KCE Response: No additional consultation with USFWS has been conducted beyond completion of the IPaC review and the applicable determination keys (D-keys). There is no federal permit

required (i.e., United States Army Corps of Engineers Nationwide Permit) and therefore no federal nexus. As such, there is no requirement for Endangered Species Act (ESA) consultation. However, as indicated in KCE's 4/10 response, to avoid potential impacts to any bat species, KCE is committing to conducting all tree clearing during the bat hibernation period of November 1 through March 31, when these species are expected to be inactive within the Project Area.

8/14 NPV Response: Response acknowledged. KCE has agreed to limit tree clearing activities to November 1 thru March 31 of any given year when the referenced endangered bat species is not anticipated to be active within the landscape. Comment has been resolved.

KCE NY 34 Site Plans, drafted by EDR, dated April 3, 2026, Revised July 7, 2026

2. A review of pertinent sheets of the site plan show tree removal and site work are proposed within the wetlands identified as 23-W002 and 23-W001. Wetlands are ecologically valuable habitats that provide a variety of beneficial impacts to wildlife and the surrounding habitats. Alterations to wetland habitats should be avoided where possible. As shown on C-201 and C-202 the installation of an underground electric via horizontal directional drill avoids the requirement for any clearing to or disturbance within the 23- W002 wetland and is therefore the preferred option to eliminate potential impacts to the freshwater wetland system from the potential construction and operation of an overhead connection.

4/10 KCE Response: No earth disturbance is proposed in these wetlands. Tree clearing is the only proposed activity in wetlands. As noted in other responses in this letter, tree clearing in wetlands has been minimized to the maximum extent possible, and tree clearing will completed via non-mechanized methods with stumps remaining.

Along gen-tie Route Option 1, the gen-tie line will be installed via horizontal directional drilling (HDD) beneath the existing gas pipeline to avoid disturbance associated with that utility crossing. HDD installation beneath Wetland 23-W002 was evaluated; however, HDD under the wetland was determined to be not practicable due to localized topographic constraints along this portion of the gen-tie route.

Gen-tie Route Option 2, which completely avoids Wetland 23-W002, is the preferred option. As the Applicant previously clarified, a Crossing License Agreement Application was submitted with the request to CHGE for approval of Option 2. If Option 2 for an underground line on CHGE property is approved, the easement north of the substation will not be utilized.

5/14 NPV Response: NPV understands Gen-tie Route Option 2 remains the preferred route. As the final determination of routing has not been made, the Applicant should provide a description of maintenance means and methods for potential Gen-tie Route Option 1 to ensure that potential impacts to the wetland from continued maintenance of the overhead crossing are not incurred upon the completion of construction.

7/7 KCE Response: The requested information has been provided as TAB 18.

8/14 NPV Response: Response acknowledged. The plan is acceptable. It specifies hand cutting/trimming only in the wetland areas and prohibits the use of insecticides and herbicides. Comment has been resolved.

3. C-301 depicts grading will occur up to the delineated wetland boundary. There does not appear to be adequate area provided between the wetland boundary and the edge of grading and silt fence to reasonably allow for construction of grading or the stabilized slope without encroachment into the freshwater wetland. A minimum buffer should be maintained from the wetland to ensure no construction or operation impacts to the resource.

4/10 KCE Response: A note has been added to the Project Site Plans, Sheet C-301 clarifying that no excavation or disturbance is permitted within the wetland, and that a minimum 2-foot buffer shall be maintained between the wetland boundary and any grading or the toe of the embankment. A blow up of this area showing the silt fence a minimum of one foot from the edge of wetland and two feet from any grading or toe of the embankment, has been added to Sheet C-301.

5/14 NPV Response: Response acknowledged. Limited space is provided between the bottom of the slope and the wetland. The Town Engineer will review site grading, including in this area, to ensure that the slope is appropriate to hold and not slough.

8/14 NPV Response: This comment was not addressed in the July submission. We continue to defer to the engineer.

KCE Response: The proposed 2H:1V slope will be permanently stabilized with North American Green SC150BN erosion control blanket (or approved equal). The SC150BN meets the Federal Highway Administration (FHWA) FP-03 Section 713.17 material specification for erosion control blankets. This product is specifically intended for permanent stabilization of moderate to steep slopes (2:1) by providing immediate erosion protection while promoting the establishment of permanent vegetation. The SC150BN specification sheet is attached for reference.

4. Per Sheets C-001 and C-002, tree clearing is proposed in two wetlands within the Project Site. All disturbance of wetland resources should be minimized to the maximum extent practicable. Additionally, a native revegetation plan should be provided for the disturbance of any wetlands.

4/10 KCE Response: Tree clearing in wetlands has been minimized to the maximum extent possible. The proposed overhead gen-tie route Option 1 crossing is located at the narrowest practicable section of the wetlands. Trees within the wetlands will be hand cut; no mechanized clearing, stumping, or chipping will occur within the wetlands, and stumps will remain undisturbed.

Consistent with these measures, the tree clearing callouts on the Project Site Plans, Sheets C-001 and

C-002 specify that tree clearing within wetlands shall be completed via non-mechanized methods, tree stumps shall remain, and no soil disturbance is permitted in wetlands.

Timber mats or other wetland protection matting will be used where necessary to support construction vehicles crossing wetlands along the gen-tie route. Because no ground disturbance is proposed in the wetlands, a native revegetation plan for wetlands is not needed.

5/14 NPV Response: Response acknowledged; comment has been partially resolved. An inventory of all trees greater than 6" dbh identified for removal within the wetland areas should be inventoried, as specified in §245-33C(2)(t), and a comprehensive list should be provided to the Town so as to accurately reflect the scope and extent of tree clearing.

7/7 KCE Response: All trees with a diameter at breast height (dbh) of 6 inches or greater within the proposed tree clearing area have been inventoried and are shown on plan Drawings C-003 and C-004. An inventory list of these trees, including each tree's assigned identification number, dbh, species, general conditional, and whether it is located within a wetland, is provided on Drawing C-005. No trees with a dbh of 6" or greater proposed for removal are within delineated wetland areas.

8/14 NPV Response: Response acknowledged. KCE has agreed to limit tree clearing activities to November 1 through March 31, when endangered bat species are not anticipated to be active within the landscape. The tree survey reveals a transitional forest area of generally small- to medium-sized trees. A total of 245 trees greater than 6" would be removed from the site, with approximately half of these located along gen-tie route 1. Should Central Hudson approve route 2, the total would be reduced to 125. The survey shows that there are few trees significantly larger than the 6" threshold. 47 (19%) are greater than 12", and most of these (34) are in the gen-tie route 1 area. No trees above 6" dbh would be removed from within wetland areas. Comment has been resolved.

5. Per Sheet C-601 Slope Stabilization Detail, the erosion control mats will be overseeded. Please provide details for seed mix proposed. All proposed seed mixes should be free of invasive species and represent an appropriate mix of native species where possible.

7/7 KCE Response: The proposed seed mixes have been added the General Notes and Abbreviations plan drawing (drawing number G-002) included with this submission.

8/14 NPV Response: Response acknowledged; comment partially resolved. NPV has reviewed the proposed seed mix details and concurs that the proposed mix does not include any invasive species. However, the proposed seed mix does not contain species considered to be native and the mix provides a limited ecological value. The applicant should consider incorporating native species to enhance the ecological value of the proposed seeding. Suggested native species could include Switchgrass (*Panicum virgatum*), Indian Grass (*Sorghastrum nutans*), Little Bluestem (*Schizachyrium scoparium*), Red Fescue (*Festuca rubra*), Canada Wild Rye (*Elymis canadensis*).

KCE Response: The total disturbed area proposed to be revegetated is approximately 1.76 acres. Of this area, approximately 0.84 acres is associated with the overhead gen-tie route (Option 1). The Permanent Seeding Notes on Drawing G-002 (General Notes and Abbreviations) have been revised to add Ernst Conservation Seeds' Right-of-Way Native Woods Mix with Annual Ryegrass (ERNMX-132-1), which incorporates native species, and provides greater ecological value for the wooded and open wooded areas along the overhead gen-tie route.

As previously noted, gen-tie route Option 2, which is located within and along an existing gravel road, is KCE's preferred route. If permitted by Central Hudson, the use of this route would eliminate the need for clearing associated with the Gen-tie option 1 and thus further reduce the overall area of disturbance requiring revegetation.

The remaining approximately 0.92 acres of disturbed area to be revegetated is located within and around the proposed BESS facility. This represents a relatively small area. These areas will be routinely maintained and mowed for operational and fire-safety purposes. This area is also surrounded by previously disturbed and maintained land uses, including access roads, gravel parking areas, managed grassland/herbaceous cover, and other developed site features.

Given the intended use and long-term requirements of this area, KCE maintains that NYS Standards and Specifications for Erosion and Sediment Control Permanent Construction Area Mix #6 remains more appropriate for this area than species such as switchgrass, Indian grass and little bluestem that are generally less compatible with regularly maintained and mowed areas. Therefore, KCE proposes to retain Mix #6 for the maintained areas surrounding the BESS facility and use the revised native seed mix for the wooded and open wooded portions of the overhead gen-tie route.

Wetland and Stream Delineation Report prepared by EDR, dated July 2025

NPV withholds commenting on the data presented within the Wetland and Stream Delineation Report prepared by EDR until after conducting a site visit in the appropriate growing season.

4/10 KCE Response: To better assess potential impacts of the Proposed Project, the Applicant is amenable to NPV conducting a site visit during the 2026 growing season.

5/14 NPV Response: NPV conducted a site visit to the project site on April 17, 2026. We have the following post-visit comments:

6. As noted previously by NPV the boundary of wetland 23-W002 delineated by EDR appeared to conflict with the boundary delineated by Colliers Engineering & Design as part of an adjacent project proposal. The delineated boundary was reviewed during the site inspection; however, at times there was confusion over flags placed by EDR versus those placed by Colliers. As such, NPV defers final recommendation over the accuracy of the delineation until a site visit can be conducted with the adjacent applicant

8/14 NPV Response: NPV is in the process of comparing the delineations presented by EDR and Colliers Engineering & Design, however, a review of the submitted materials and field inspections by NPV staff found that the wetland delineation submitted by EDR appears to be more conservative on the side of the wetland than that of Colliers Engineering & Design. The wetland delineation by EDR presents a "maximum extent" and the boundary of the delineated wetland would not be expected to encroach landward during the resolution of the wetland boundary between applicants. NPV accepts the wetland delineation as depicted by EDR for the purposes of this review.

7. NPV observed a relatively small vernal pool on the west side of the proposed development area that contained an egg mass potentially indicating productivity. No apparent connection to the on-site wetlands was visualized. The location of the vernal pool should be indicated on the site plan and incorporated into the provided wetland and habitat analyses.

7/7 KCE Response: The vernal pool is now shown on the site plans. Section E.1.b. of EAF Part 1 has been updated to include the vernal pool, and in accordance with the EAF Part I instructions, the vernal pool acreage has been included in the wetland acreage. The updated EAF Part 1 is included with this submission (TAB 05). In addition, the Listed Species Memorandum (TAB 06) has also been updated to include a description of the vernal pool under the Land Cover and Existing Site Conditions section.

On April 17, 2026, Nelson Pope Voorhis and EDR attended on behalf of the Town of Saugerties, conducted a joint site visit with EDR to review the boundaries of previously delineated wetlands. During the site visit, the vernal pool was delineated. The vernal pool is a small, approximately 0.02-acre isolated seasonal depression with no apparent connection to any of the on-site wetlands. While the project will impact the vernal pool, it does not constitute a wetland regulated under Article 24 of the New York State Environmental Conservation Law. The project will therefore not impact any Article 24-regulated wetlands, as confirmed by the NYSDEC negative parcel jurisdictional determination received on July 1, 2025. While a vernal pool is by definition not a Waters of the United States (WOTUS), if it were to be deemed a WOTUS, the impact to the vernal pool is below the USACE 0.1-acre impact threshold that requires a preconstruction notification.

Based on the results of desktop review, none of the databases EDR consulted (i.e., USFWS IPaC, NYSDEC ERM, or NYSDEC EAF Mapper) or correspondence with the NYNHP identified the presence of listed threatened or endangered species are known to occur at or within the vicinity of the Project.

8/14 NPV Response: Response acknowledged; comment has been partially resolved. The location and analysis of the vernal pond should be incorporated into the Wetland and Stream Delineation Report.

KCE Response: The location and analysis of the vernal pool has been incorporated into the Wetland and Stream Delineation Report. The updated Wetland and Stream Delineation Report is included with this submission.

ROLLMAX™
ROLLED EROSION CONTROL

Specification Sheet
BioNet® S150BN™ Erosion Control Blanket



DESCRIPTION

The short-term double net erosion control blanket shall be a machine-produced mat of 100% agricultural straw with a functional longevity of up to 12 months. (NOTE: functional longevity may vary depending upon climatic conditions, soil, geographical location and elevation). The blanket shall be of consistent thickness with the straw evenly distributed over the entire area of the mat. The blanket shall be covered on the top and bottom sides with a 100% biodegradable woven natural fiber netting. The netting shall consist of machine directional strands formed from two intertwined yarns with cross directional strands interwoven through the twisted machine strands (commonly referred to as a Leno weave) to form an approximate 0.50 x 1.0 in. (1.27 x 2.54 cm) mesh. The blanket shall be sewn together on 1.50 inch (3.81 cm) centers with degradable thread. The blanket shall be manufactured with a colored thread stitched along both outer edges (approximately 2-5 inches [5-12.5 cm] from the edge) as an overlap guide for adjacent mats.

The S150BN shall meet Type 2.D specification requirements established by the Erosion Control Technology Council (ECTC) and Federal Highway Administration's (FHWA) FP-03 Section 713.17

Material Content		
Matrix	100% Straw Fiber	0.5 lbs/sq yd (0.27 kg/sm)
Netting	Top: Leno woven 100% biodegradable organic jute Bottom: 100% biodegradable organic jute	9.35 lb/1000 sq ft (4.5 kg/100 sm) 7.7 lb/1000 sq ft (3.76 kg/100 sm)
Thread	Biodegradable	

Standard Roll Sizes			
Width	6.67 ft (2.03 m)	8.0 ft (2.4 m)	16.0 ft (4.87 m)
Length	108 ft (32.92 m)	112 ft (34.14 m)	112 ft (34.14 m)
Weight ± 10%	52.22 lbs (23.69 kg)	65.28 lbs (29.6 kg)	130.5 lbs (59.2 kg)
Area	80 sq yd (66.9 sm) Leno weave top only	100 sq yd (83.61 sm) Leno top and bottom	200 sq yd (167.22 sm) Leno top and bottom

Index Property	Test Method	Typical
Thickness	ASTM D6525	0.23 in. (5.84 mm)
Resiliency	ECTC Guidelines	80.5%
Water Absorbency	ASTM D1117	428%
Mass/Unit Area	ASTM D6475	8.71 oz/sy (296 g/sm)
Swell	ECTC Guidelines	15%
Smolder Resistance	ECTC Guidelines	Yes
Stiffness	ASTM D1388	6.23 oz-in
Light Penetration	ASTM D6567	15.3%
Tensile Strength - MD	ASTM D6818	188.4 lbs/ft (2.79 kN/m)
Elongation - MD	ASTM D6818	11.2%
Tensile Strength - TD	ASTM D6818	157.2 lbs/ft (2.33 kN/m)
Elongation - TD	ASTM D6818	13.5%
Biomass Improvement	ASTM D7322	549%

Design Permissible Shear Stress	
Unvegetated Shear Stress	1.85 psf (88 Pa)
Unvegetated Velocity	6.00 fps (1.83 m/s)

Slope Design Data: C Factors			
	Slope Gradients (S)		
Slope Length (L)	≤ 3:1	3:1 – 2:1	≥ 2:1
≤ 20 ft (6 m)	0.00014	0.039	N/A
20-50 ft	0.01	0.070	N/A
≥ 50 ft (15.2 m)	0.02	0.100	N/A

Roughness Coefficients – Unveg.	
Flow Depth	Manning's n
≤ 0.50 ft (0.15 m)	0.055
0.50 – 2.0 ft	0.055-0.021
≥ 2.0 ft (0.60 m)	0.021

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Wetland and Stream Delineation Report

KCE NY 34 Battery Energy Storage System Project

Town of Saugerties

Ulster County, New York

Prepared for:

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Albany, New York 12210
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Updated September 2026

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1.0 INTRODUCTION

On behalf of Key Capture Energy, Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR) conducted an on-site wetland and stream delineation for the KCE NY 34 Battery Energy Storage System Project (the Project). This *Wetland and Stream Delineation Report* summarizes the results of on-site delineations.

1.1 PROJECT LOCATION AND DESCRIPTION

Key Capture Energy (KCE) is proposing a battery energy storage system (BESS) facility (the Facility) and associated necessary infrastructure in the Town of Saugerties, Ulster County New York (Figure 1; all figures are in Appendix A). The Project is a proposed 100-megawatt, 400-megawatt hour lithium-ion BESS that will consist of 136 Tesla Megapack 2 XL, 34 medium voltage transformers, a substation and associated control house, an auxiliary transformer, switch gear, electrical equipment, storage containers, an access road, and fencing. The Project will interconnect with the existing CHG&E Saugerties Substation via a proposed Gen-Tie line. The Project footprint is anticipated to be 5.8 acres in size. Ground disturbance associated with the Project includes the locations of the proposed BESS, the access road, stormwater management infrastructure, gen-tie line trenches, and grading or grubbing activity.

EDR was retained to identify all wetlands and streams within five parcels of land (Parcel IDs: 18.1-4-5.100, 18.1-4-18.110, 17.16-2-25.120, 17.16-2-25.110, and 18.1-4-18.211) totaling 23.16 acres, herein referred to as the Study Area. The site is roughly bounded by forested land to the north, CSX rail tracks to the east, Tomsons Road to the south, and I-87 to the west. The majority of the Study Area consists of deciduous forests, with an unmaintained gravel parking area located in the central eastern portion, adjacent to commercial developments to the south.

1.2 PURPOSE

The purpose of this study was to delineate and describe all wetlands and streams that occur within the Study Area and their anticipated state and/or federal jurisdiction. Specific tasks performed for this study included: 1) reviewing background resource data/mapping, 2) field delineating and flagging wetlands and streams, 3) surveying delineated wetland and stream boundaries using a Global Positioning System (GPS) unit, 4) quantifying the area of on-site wetlands and streams, and 5) describing delineated wetlands and streams based on hydrology, vegetation, soils and/or other data collected in the field.

This report describes the relevant regulatory authorities and potential permits required, summarizes the desktop review, and presents the results of the wetland and stream delineations conducted by EDR. The report also provides the necessary information to support any jurisdictional determinations by, and/or related permit application submittals to, the U.S. Army

Corps of Engineers (USACE) and/or the New York State Department of Environmental Conservation (NYSDEC), along with any other surface water impact evaluations that may be conducted in support of the Project. This report also provides information on potential vernal pools as requested by Nelson Pope Voorhis (NPV) on behalf of the Town of Saugerties.

Note that a letter of no jurisdiction regarding freshwater wetlands within the Study Area based on a request for a Parcel Jurisdictional Determination (JD) was received on July 1, 2025, from the NYSDEC. The full letter can be found in Appendix B.

2.0 REGULATORY AUTHORITIES AND PERMITS

Wetlands, streams, and other surface water features are regulated by both federal and state authorities. This section discusses the regulatory frameworks applicable to surface waters in New York State.

2.1 WATERS OF THE UNITED STATES

In accordance with Section 404 of the Clean Water Act (CWA), the USACE has regulatory jurisdiction over waters of the United States (WOTUS). According to the USACE, WOTUS include lakes, ponds, streams (as defined by an ordinary high water mark [OHWM]), tidal waters, and wetlands. Wetlands are defined as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 Code of Federal Regulations [CFR] § 328.3). Such areas are indicated by the presence of three conditions: 1) a dominance of hydrophytic vegetation, 2) the presence of hydric soils, and 3) evidence of wetland hydrology during the growing season (Environmental Laboratory, 1987).

To provide a clear and consistent approach to defining the scope of the CWA and WOTUS, the *Revised Definition of "Waters of the United States"* rule (the 2023 Rule) became effective on March 20, 2023 (USACE and USEPA, 2023a). However, on May 25, 2023, the Supreme Court issued a decision in the Sackett v. USEPA case that narrowed the scope of federally protected wetlands according to the CWA. Subsequently, on August 29, 2023, the United States Environmental Protection Agency (USEPA) and USACE issued a final rule that amends the 2023 Rule to conform key aspects of the regulatory text to the Supreme Court's decision in the Sackett v. USEPA case. The amended rule, *Revised Definition of "Waters of the United States"; Conforming*, was published in the Federal Register and became effective on September 8, 2023 (USACE and USEPA, 2023b).

Broadly, this conforming amendment:

1. Removes the significant nexus standard from the definition of adjacent wetlands, tributaries, and other waters categories of WOTUS.
2. Leaves in place the relatively permanent standard in determining WOTUS.
3. Revises the definition of "adjacent wetlands" to include only those wetlands with a direct surface water connection to a WOTUS that meets the relatively permanent standard.
4. Removes interstate wetlands from the interstate waters category of WOTUS.

This updated definition of WOTUS includes seven jurisdictional categories (Table 1) and eight categories that are specifically not considered WOTUS (Table 2). Due to ongoing litigation, the

2023 Rule, as amended, is only active in 23 states (plus the District of Columbia), including New York (USEPA, 2024). As a result, anticipated jurisdiction in this report is consistent with the 2023 Rule, as amended effective September 8, 2023.

Table 1. Jurisdictional Waters as Defined in the 2023 Rule, as Amended

Water Type	Regulatory Definition
Traditional navigable water (TNW)	A waterbody that is "navigable-in-fact." TNWs include large rivers and lakes that could be used in interstate or foreign commerce, as well as waterbodies affected by tides.
Territorial seas	Territorial seas that extend 3 miles out to sea from the coast.
Interstate waters	Waters such as streams or lakes that cross or form part of state boundaries.
Impoundments of WOTUS	Impoundments created by impounding one of the WOTUS that was jurisdictional under this rule's definition at the time the impoundment was created, and impoundments of waters that at the time of assessment meet the definition of WOTUS under the rule as a TNW, the territorial seas, interstate water, jurisdictional tributary, or jurisdictional adjacent wetland, regardless of the water's jurisdictional status at the time the impoundment was created.
Tributaries to TNWs, territorial seas, interstate waters, or impoundments	Branches of creeks, streams, rivers, lakes, ponds, ditches, and impoundments that ultimately flow into TNWs, the territorial seas, interstate waters, or impoundments of jurisdictional waters. Tributaries are jurisdictional if they meet the relatively permanent standard.[1]
Adjacent wetlands[2]	Wetlands adjacent to TNWs, the territorial seas, or interstate waters. Wetlands with a continuous surface connection to relatively permanent impoundments or to jurisdictional tributaries when the jurisdictional tributaries meet the relatively permanent standard.
Other waters	Intrastate lakes and ponds that are not identified in the categories above but do meet the relatively permanent standard and have continuous surface water connections to the waters identified above.

[1] The relatively permanent standard identifies WOTUS as having relatively permanent, standing, or continuously flowing waters.

[2] A wetland is considered adjacent when it has a continuous surface water connection to a WOTUS, as defined above, and further clarified by the guidance issued by the USEPA to the USACE on March 12, 2025, regarding the interpretation of "continuous surface connection" under the 2023 definition of WOTUS, in accordance with the CWA (USEPA, 2025).

Table 2. Non-Jurisdictional Waters as Defined in the 2023 Rule, as Amended

Water Type	Regulatory Definition
Waste treatment systems	Includes lagoons and treatment ponds (such as settling or cooling ponds), designed to either convey or retain, concentrate, settle, reduce, or remove pollutants, either actively or passively, from wastewater prior to discharge (or eliminating any such discharge).
Prior converted cropland	Any area that, prior to December 23, 1985, was drained or otherwise manipulated for the purpose, or having the effect, of making production of an agricultural product possible. USEPA and USACE recognize designations of prior converted cropland made by the Secretary of Agriculture. An area is no longer considered prior converted cropland for purposes of the CWA when the area is abandoned and has reverted to wetlands. Abandonment occurs when prior converted cropland is not used for, or in support of, agricultural purposes at least once in the immediately preceding five years. For the purposes of the CWA, the USEPA has the final authority to determine whether prior converted cropland has been abandoned.
Ditches (including roadside ditches)	Excavated wholly in, and draining only, dry land and that do not carry a relatively permanent flow of water.
Artificially irrigated areas	Areas that would revert to dry land if the irrigation ceased.
Artificial lakes or ponds	Created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
Artificial reflecting or swimming pools or other small ornamental bodies of water	Created by excavating or diking dry land to retain water for primarily aesthetic reasons.
Waterfilled depressions	Created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of WOTUS.
Swales and erosional features	Gullies or small washes characterized by low volume, infrequent, or short duration flow.

A Section 404 permit from the USACE is required for activities that result in the placement of dredged or fill materials in WOTUS. In addition, Section 10 of the Rivers and Harbor Act requires a permit from the USACE to construct any structure in, under, or over any TNWs, as well as any proposed action that would alter or disturb these waters (such as excavation/dredging or deposition of materials).

2.2 NEW YORK STATE FRESHWATER WETLANDS AND PROTECTED STREAMS

The Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law [ECL]) gives the NYSDEC jurisdiction over state protected wetlands and adjacent areas. To implement the policy established by this Act, regulations were promulgated by the state under 6 New York Codes, Rules, and Regulations (NYCRR) Parts 663 and 664. Part 663 implements the wetlands protection policy, defines the procedural requirements to be followed for different activities in wetlands and adjacent areas, and establishes standards for issuance of permits. Part 664 designates wetlands into four class ratings, with Class I being the highest or best quality wetland and Class IV being the lowest.

On January 1, 2025, the new Part 664 regulations went into effect, which promulgated that the NYSDEC regulatory protection of freshwater wetlands was no longer limited to wetlands depicted on the NYS Freshwater Wetlands Maps and the NYS Freshwater Wetlands Maps were to be referred to as Previously Mapped Freshwater Wetlands. Additionally, under the new Part 664 regulations, smaller wetlands could also be regulated if they possessed several criteria that used to determine a status of "Unusual Importance". However, on April 8, 2026, the New York State Supreme Court annulled the new Part 664 regulations per the ruling of *Chautauqua Lake Property Owners Association, Inc., et al., v. State of New York and the New York State Department of Environmental Conservation*. As such, the pre-2025 Part 664 regulations (which were effective through December 31, 2024) are back in effect and will guide NYSDEC implementation of Article 24 of the ECL, as amended in 2022, to the extent that the prior Part 664 does not conflict with Article 24 of the ECL, as amended in 2022. In the event of any conflict or inconsistency, Article 24 of the ECL, as amended in 2022, prevails over the prior Part 664.

As a result of the April 8, 2026 annulment of the Part 664 regulations, NYSDEC will assert state jurisdiction over freshwater wetlands that are 12.4 acres in size or larger, including those that are newly identified "12.4-Acre Wetlands" and those that were mapped before January 1, 2025, and smaller wetlands if they are considered by NYSDEC to be of unusual local importance. A 100-foot adjacent area around the delineated boundary of any state regulated wetland is also under NYSDEC jurisdiction. An Article 24 permit is required from the NYSDEC for any disturbance to a state protected wetland or adjacent area. NYSDEC will determine the jurisdictional status of freshwater wetlands utilizing remote analysis of geographic information system (GIS) spatial data to quantify wetland acreage and identify 12.4 Acre Wetlands and Previously Mapped Freshwater Wetlands[1].

[1] This remote analysis will be conducted utilizing the *Standard Operating Procedures (SOP) for Remote Jurisdictional Determinations and Classifications of Freshwater Wetlands Pursuant ECL 24-0703 and 24-0903.*

Under Article 15 of the ECL (Protection of Waters), the NYSDEC has regulatory jurisdiction over any activity that disturbs the bed or banks of protected streams or other watercourse. In addition, small lakes and ponds with a surface area of 10 acres or less, located within the course of a stream, are considered to be part of a stream and are subject to regulation under the stream protection category of Article 15. According to 6 NYCRR Part 608.1(aa), protected streams include any stream, or particular portion of a stream, that has been assigned by the NYSDEC any of the following classifications or standards: AA, A, B, or C(T) or C(TS). A classification of AA or A indicates that the best use of the stream is as a source of water supply for drinking, culinary or food processing purposes, primary and secondary contact recreation, and fishing. The best usages of Class B waters are primary and secondary contact recreation and fishing. The best usage of Class C waters is fishing. Streams designated (T) indicate that they support trout, while those designated (TS) support trout spawning. An Article 15 permit is required from the NYSDEC for any disturbance to the bed and banks of protected streams, with special requirements applied to streams designated as supporting trout or trout spawning. Where banks are not clearly defined, the NYSDEC may extend permitting jurisdiction to 50 feet beyond the mean or ordinary high water line. However, if the land next to the stream has a steep slope (45 degrees or more), the protected bank may extend to the top of the slope or to a clear break in slope.

In addition to the protection of waters permit required to change, modify, or disturb protected streams, Article 15 also requires a permit from the NYSDEC to construct any structure in or above any navigable waters of the state, as well as any proposed action that would alter or disturb these waters (such as excavation/dredging or deposition of materials). The state defines navigable waters as "lakes, rivers and other waterways and water bodies on which water vessels with a capacity of one or more persons are operated or can be operated notwithstanding interruptions to navigation by artificial structures, shallows, rapids or other obstructions, or by seasonal variations in capacity to support navigation."

3.0 REVIEW OF BACKGROUND DATA AND MAPPING

In preparation for the field delineations, EDR reviewed publicly available data related to physiography, soils, hydrology, and vegetation in the Study Area. Mapping and data were obtained from various sources, including but not limited to the following:

- U.S. Geological Survey (USGS) topographic mapping (Saugerties 7.5-minute quadrangle)
- U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) mapping
- NYSDEC Freshwater Wetlands mapping (Environmental Resource Mapper)
- The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey (Soil Survey Staff, 2025)
- The NRCS List of Hydric Soils of the State of New York (USDA NRCS, 2025)
- The National Land Cover Database (NLCD) land cover and vegetation classes (Dewitz, 2023)
- Recent aerial photography.

3.1 PHYSIOGRAPHY AND SOILS

The Study Area is located within the Hudson Valley physiographic province of New York State, with landforms of rolling or irregular plains. During the Pleistocene Epoch, glacial flood waters shaped Hudson Valley topography. The underlying geology of the Hudson Valley includes mostly Ordovician shales and siltstones. The shales were more easily eroded than the surrounding gneiss, schist, and sandstone-capped shales of the surrounding highlands (Bryce et al., 2010).

Elevations within the Study Area range from approximately 180 to 225 feet above mean sea level (Figure 2).

The Web Soil Survey of Ulster County (Soil Survey Staff, 2025) indicates the presence of seven soil mapping units within the Study Area (Figure 3). Farmington-Rock outcrop complex (FAE) is the predominant mapping unit, with Bath-Nassau-Rock outcrop complex (BOD) and Nassau-Bath-Rock outcrop complex (NBF) also common within the Study Area. These soils are predominantly well drained or are complexes with no drainage class or hydric rating, with one minor, very poorly drained soil unit (Canandaigua silt loam) occupying less than 0.1% of the Study Area. The soils generally have a silt loam or gravelly silt loam texture where not bedrock. Table 3 lists the soil mapping units within the Study Area and their slope, drainage class, hydric rating, and hydric classification. Hydric ratings and hydric soil classifications are based on information obtained from the NRCS Web Soil Survey (NRCS, 2025). Although soil mapping units may have a hydric rating in the online databases indicating hydric or potentially hydric conditions, this is for general use and does not supersede specific conditions documented in the field.

Table 3. Study Area Soil Mapping Units

Mapping Unit Symbol	Mapping Unit	Percent of Study Area	Slope	Drainage[1]	Hydric Rating[2]	Hydric Classification[3]
FAE	Farmington-Rock outcrop complex, steep	34.2%	25-60%	--	0%	Non-hydric
BOD	Bath-Nassau-Rock outcrop complex, hilly	32.3%	10-25%	WD	0%	Non-hydric
NBF	Nassau-Bath-Rock outcrop complex, very steep	13.9%	25-65%	--	0%	Non-hydric
SmB	Stockbridge-Farmington gravelly silt loams	8.8%	3-8%	WD	0%	Non-hydric
STD	Stockbridge-Farmington-Rock outcrop complex, hilly	8.8%	15-25%	--	0%	Non-hydric
HuB	Hudson silt loam	2%	3-8%	MWD	0%	Non-hydric
Cc	Canandaigua silt loam	<0.1%	0-1%	VPD	95%	Predominantly hydric

[1] WD = well drained, MWD = moderately well drained, and VPD = very poorly drained.
[2] Map units are composed of one or more component soil types, each of which is individually rated as hydric or not hydric. The hydric rating, as provided in the USDA Web Soil Survey, indicates the percentage of the map unit that meets hydric criteria.
[3] Hydric classification categories are based on the total percentage of hydric soils in the map unit. as listed on the USDA Web Soil Survey. Predominantly hydric = 66%–99% of map unit components rated as hydric. Non-hydric = 0% of map unit components rated as hydric.

3.2 HYDROLOGY

The Study Area is located entirely within the Middle Hudson Hydrologic Unit (02020006). Most of the surface water occurring within the Study Area is generated by direct precipitation and run-off from adjacent land. The average annual precipitation from 2021 to 2025 was 65.00 inches at the nearby Saugerties 4.7 NW weather station (NOAA, 2025).

The Study Area does not contain any TNWs or any state navigable waters. However, the nearest TNW is the Hudson River, located approximately 1.3 miles east of the Study Area. Esopus Creek is the closest potential state navigable waters and lies approximately 0.9 miles south of the Study Area. Esopus Creek, which has a drainage basin area of 424.3 square miles (USGS, 2025), flows eastward approximately 65 miles to its confluence with the Hudson River.

3.2.1 Federal and State Mapped Wetlands and Streams

Review of NWI mapping indicates the presence of two water resources within the Study Area (Figure 4). The NWI-mapped feature near the northeastern corner of the Study Area is a freshwater pond (PUBHx), and the NWI-mapped feature near the northwestern boundary is a freshwater emergent wetland (PEM1E).

A review of NYSDEC Freshwater Wetlands mapping indicates that there are no previously mapped wetlands within the Study Area that would potentially be regulated under Article 24 of the ECL (Figure 4). The closest previously mapped freshwater wetland (Wetland S-8) is located approximately 1.2 miles southeast of the Study Area. Additionally, the mapping identifies one Informational Freshwater Wetland within the Study Area that corresponds with the NWI freshwater emergent wetland (Figure 4). NYSDEC stream classification maps indicate that there are no mapped streams within the Study Area. However, there are several unnamed NYSDEC-mapped Class C streams south of the Study Area; the closest is approximately 700 feet from the southern boundary.

As noted in Section 1.2, a letter of no jurisdiction regarding freshwater wetlands within the Study Area based on a request for a parcel JD was received on July 1, 2025, from the NYSDEC. The letter is provided in Appendix B.

3.2.2 Mapped Floodplains

According to Federal Emergency Management Agency (FEMA) map services, no portion of the Study Area is located within a mapped floodplain. There are two nearby mapped floodplains associated with Beaver Kill and Esopus Creek located approximately 0.38 miles west and 0.58 miles southeast of the Study Area, respectively (Figure 5).

3.3 MAPPED VEGETATION

Mapped land cover and vegetation occurring within the Study Area were evaluated by consulting current NLCD mapping (Dewitz, 2023). The Study Area encompasses 23.16 acres and primarily consists of deciduous forest and developed land (Table 4 and Figure 6).

Table 4. Vegetation/Land Cover within the Study Area

Land Cover Class	Acres	Percentage of the Study Area
Deciduous Forest	9.42	40.67%
Developed, Medium Intensity	4.61	19.91%
Mixed Forest	4.26	18.39%
Developed, Low Intensity	2.78	12.00%
Developed, Open Space	1.33	5.74%
Barren Land	0.44	1.90%
Grassland/Herbaceous	0.22	0.95%
Developed, High Intensity	0.10	0.43%
Total	23.16	100%

Source: Dewitz, 2023.

4.0 ON-SITE WETLAND AND STREAM DELINEATION

EDR Environmental Scientists conducted field delineations of wetlands and streams at the Study Area on May 21, 2025. Precipitation for the month of May 2025 was significantly higher (10.26 inches) than the long-term monthly average for May 2021–2025 (5.01 inches) (NOAA, 2025).

Subsequently on April 17, 2026, NPV on behalf of the Town of Saugerties, conducted a joint site visit with EDR to review the boundaries of the previously delineated wetlands. During this site visit, one additional feature, a vernal pool, was delineated, and at the request of NPV, has been included in this report. As defined in the NY Natural Heritage Program's Vernal Pool Guide (Evans 2026), a vernal pool is a seasonally inundated depression that typically lacks a defined outlet but may have an ephemeral to intermittent inlet. They typically occur in uplands forests and are breeding area for various insect and amphibian species where they can lay their eggs without the threat of predation from fish populations.

4.1 METHODOLOGY

Wetlands and streams were identified, mapped, and classified by type according to relevant federal and state standards.

4.1.1 Identification of Wetlands

The identification of wetland boundaries was based on the methodology described in the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987). Determination of wetland boundaries was also guided by the methodologies presented in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0* (Regional Supplement) (USACE, 2012). EDR predicted the state jurisdictional status and class of state regulated wetlands utilizing the methods and procedures presented in the *Standard Operating Procedures (SOP) for Remote Jurisdictional Determinations and Classification of Freshwater Wetlands Pursuant to 6 NYCRR Part 664, Freshwater Wetlands Jurisdiction and Classification* (NYSDEC, 2025). Attention was given to the size of the wetland (including portions that may extend outside the Study Area), evidence of disturbance, and the identification of potential hydrologic connections between wetlands, as these factors could influence jurisdictional status. Wetland boundaries were defined in the field with sequentially numbered pink surveyor's flagging and mapped using a GPS unit with reported sub-meter accuracy.

Delineated features were characterized according to the wetlands and deepwater habitats classification system used in NWI mapping (Cowardin et al., 1979). Data was collected from sample plots in representative wetland cover types and recorded on USACE Routine Wetland Determination forms (Appendix C). The data collected at each delineated wetland included dominant vegetation, hydrology indicators, and soil characteristics. Data to confirm upland areas

were also collected adjacent to wetland boundaries and in areas where aerial photograph signatures or existing wetland mapping suggested potential wet conditions. Upland data were also documented and recorded on USACE Routine Wetland Determination forms (Appendix C). Photographs were taken of each wetland delineated within the Study Area (Appendix D).

Wetland hydrology was evaluated based on the presence of primary and secondary indicators. The Regional Supplement lists the following primary indicators of wetland hydrology: (A1) surface water, (A2) high water table, (A3) saturation, (B1) water marks, (B2) sediment deposits, (B3) drift deposits, (B4) algal mat or crust, (B5) iron deposits, (B7) inundation visible on aerial imagery, (B8) sparsely vegetated concave surface, (B9) water-stained leaves, (B13) aquatic fauna, (B15) marl deposits, (C1) hydrogen sulfide odor, (C3) oxidized rhizospheres on living roots, (C4) presence of reduced iron, (C6) recent iron reduction in tilled soils, and (C7) thick muck surface. Per the Regional Supplement, the presence of any one of these primary indicators is sufficient evidence that wetland hydrology is present. In addition, the Regional Supplement identifies the following secondary indicators, which were also used by EDR to determine wetland hydrology: (B6) surface soil cracks, (B10) drainage patterns, (B16) moss trim lines, (C2) dry-season water table, (C8) crayfish burrows, (C9) saturation visible on aerial imagery, (D1) stunted or stressed plants, (D2) geomorphic position, (D3) shallow aquitard, (D4) microtopographic relief, and (D5) results of the FAC-neutral test. In accordance with the Regional Supplement, in the absence of a primary indicator, the presence of any two secondary indicators is considered a suitable indication of wetland hydrology.

Wetland vegetation is indicated by a dominance of hydrophytic plant species, or species that have adapted to grow in areas of inundation and soil saturation. Assessment of vegetation focused on the identification of dominant plant species in four categories: trees (greater than or equal to 3 inches diameter at breast height), saplings/shrubs (less than 3 inches diameter at breast height and greater than 3.2 feet tall), herbs (all vegetation less than 3.2 feet tall), and woody vines. Dominance was determined by visually estimating those species having the greatest absolute percent cover within each stratum. Vascular plant nomenclature and wetland indicator status for dominant plant species were determined by the Wildnote field data collection application, which refers to the USDA PLANTS Database (USDA NRCS, 2021) and the National Wetland Plant List, an interagency effort compiled by the USACE (2020). The indicator status represents a plant's likelihood of occurring in wetlands. The five indicator statuses and their probability of being observed in a wetland are as follows:

- Obligate (OBL): Plants occur within wetlands more than 99% of the time
- Facultative Wetland (FACW): Plants occur within wetlands 67 to 99% of the time
- Facultative (FAC): Plants occur within wetlands 33 to 67% of the time
- Facultative Upland (FACU): Plants occur within wetlands 1 to 33% of the time
- Upland (UPL): Plants occur within wetlands less than 1% of the time.

Those plant species that are not assigned an indicator status in the National Wetland Plant List are assumed to always be found in uplands and assigned an indicator status of UPL. Wetlands are indicated by a dominance and/or prevalence of hydrophytic plant species (i.e., those assigned an indicator status of OBL, FACW, or FAC).

Hydric soils are those that are poorly drained and are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part of the soil layer. The presence of hydric soils is indicative of the possible presence of wetlands (Environmental Laboratory, 1987). Hydric soil conditions were determined in the field through observation of soil composition, color, and morphology. Soil data were collected by using a Dutch auger and tiling spade to examine the soil profile. Soil colors were determined using Munsell Soil Charts (Munsell Color, 2009). Information concerning soil mapping units, color, texture, and matrix and redoximorphic concentration color was recorded at each sample location and used to determine whether the soils displayed hydric characteristics.

4.1.2 Identification of Streams

The Study Area was field reviewed for the presence of streams in accordance with the USACE National Ordinary High Water Mark Field Delineation Manual for Rivers and Streams: Interim Version (David et al., 2022). The OHWM, if present, is typically determined through evaluation of hydrologic, geomorphic, and biological characteristics. Following this methodology, there were no streams identified within the Study Area.

4.1.3 Identification of Vernal Pools

The Study Area was reviewed NPV and EDR during a joint site visit During this site visit on April 17, 2026. During the site visit an area was identified matching the description of a vernal pool described in Section 4.0. The boundary of the vernal pool was determined by outlining (i.e., flagging) the limits of an isolated depression within a surrounding upland observed to contain standing water and amphibian egg masses at the time of the site visit, as discussed in the NY Natural Heritage Program's Vernal Pool Guide.

4.2 RESULTS

EDR identified two wetlands, one vernal pool, and no streams within the Study Area (Figure 7). The data collected at each delineated wetland is summarized in Table 5. The vernal pool is described in Section 4.2.2. In accordance with the Cowardin et al. (1979) classification system, the wetland features delineated within the Study Area consist of the following community types: palustrine emergent wetland (PEM) and palustrine forested wetland (PFO).

No TNWs or state navigable waters were identified within the Study Area.

Descriptions of the delineated wetlands and vernal pool within the Study Area are provided in Sections 4.2.1 and 4.2.2.

Table 5. Delineated Wetlands

Wetland Delineation ID[1]	Wetland Acreage Within Study Area by Type[2]					Stream Contiguous with Wetland[3]	Latitude of Centroid	Longitude of Centroid	Anticipated Federal Jurisdiction[3]	Rationale for Federal Jurisdiction[4]	Anticipated State Jurisdiction[5]
	PEM	PSS	PFO	POW	Total						
23-W001	--	--	--	0.09	0.09	--	42.0878	-73.9629	Yes	Adjacent wetland	No
23-W002	0.04	--	0.23	--	0.27	--	42.0876	-73.9666	Yes	Adjacent wetland	No

[1] Field ID assigned by EDR.
[2] Wetland community types are based upon the Cowardin et al. (1979) classification system: open water wetland (POW), palustrine emergent wetland (PEM), palustrine forested wetland (PFO), palustrine scrub-shrub wetland (PSS).
[3] Based on visual observation of hydrologic connectivity in the field and review of available spatial data. Final JD to be made by the USACE.
[4] Based on the September 8, 2023, Revised Definition of "Waters of the United States"; Conforming. Refer to Table 1 and Table 2 for additional information. "Adjacent wetland" may be adjacent to WOTUS that are outside of the Study Area.
[5] Based on estimated wetland size in excess of 12.4 acres and/or existing NYSDEC mapping of freshwater wetlands, as discussed in the New York State Freshwater Wetland Delineation Manual (NYSDEC, 1995), and reevaluated based on the negative parcel JD made by the NYSDEC. Refer to Sections 2.2 and 3.2.1 for additional information.

4.2.1 Wetlands

Within the Study Area, EDR identified two wetlands totaling 0.36 acres. A description of each delineated wetland is presented herein.

Wetland 23-W001

Wetland 23-W001 is a palustrine open wetland with a narrow margin of vegetation confined to the perimeter of the wetland including silky dogwood (*Cornus amomum*), common reed (*Phragmites australis*), common horsetail (*Equisetum arvense*), eastern poison ivy (*Toxicodendron radicans*), and sensitive fern (*Onoclea sensibilis)*. The delineated portion of this wetland within the Study Area is approximately 0.09 acres.

Indicators of wetland hydrology included surface water (A1), high water table (A2), soil saturation (A3), and visible inundation on aerial imagery (B7). Soils could not be observed in Wetland 23-W001 due to the water depth and rocky substrate; therefore, the soils were assumed to be hydric.

Wetland 23-W001 is associated with a mapped NWI open water wetland and continues north beyond the Study Area.

Photographs 1 through 3 in Appendix D illustrate characteristics used to determine the wetland boundary. The wetland-upland transition was relatively abrupt and generally followed site topography. The adjacent upland is successional forest with an overstory dominated by eastern redcedar (*Juniperus virginiana*), eastern white pine (*Pinus strobus*), and callery pear (*Pyrus calleryana*); a shrub layer dominated by northern red oak saplings *(Quercus rubra*), eastern white pine saplings (*Pinus strobus*), and Morrow's honeysuckle (*Lonicera morrowii*); a herbaceous layer comprised of common horsetail, Virginia creeper (*Parthenocissus quinquefolia*), and goose grass (*Galium aparine*); and a woody vine layer dominated by Asian bittersweet (*Celastrus orbiculatus*). No indicators of hydric soils or wetland hydrology were observed in the upland.

Wetland 23-W002

Wetland 23-W002 is comprised of both palustrine emergent and palustrine forested cover types and is associated with a mapped NWI palustrine emergent wetland. The delineated portion of this wetland within the Study Area is approximately 0.27 acres, and the wetland continues off-site to the northeast within a maintained transmission right-of-way.

The palustrine emergent portion of Wetland 23-W002 was dominated by sensitive fern, common reed, purple loosestrife (*Lythrum salicaria*), and smooth goldenrod (*Solidago gigantea*). Willow (*Salix sp.*) saplings were also observed in low densities.

Indicators of wetland hydrology in the palustrine emergent portion of the wetland included oxidized rhizospheres on living roots (C3), geomorphic position (D2), and FAC-neutral test (D5).

The soil sample taken in the palustrine emergent portion of Wetland 23-W002 indicated that soils were composed of one layer. From a depth of 0 to 10 inches, the soils were grayish brown (10YR 5/2) silty clay loam with 25% dark yellowish brown (10YR 4/6) redox concentrations in the matrix. Hydric soil indicators included a depleted matrix (F3). Soil samples were only collected to a depth of 10 inches to rock/gravel refusal at multiple locations.

Photographs 4 through 6 in Appendix D illustrate the palustrine emergent portion of Wetland 23-W002. The wetland-upland transition was relatively abrupt and generally followed site topography. The adjacent upland is a successional shrubland with a shrub layer dominated by Norway maple saplings (*Acer platanoides*) and Allegheny blackberry (*Rubus allegheniensis*); an herb layer dominated by mugwort (*Artemisia vulgaris*), and Canada goldenrod. Asian bittersweet is the dominant woody vine in the area. No indicators of hydric soils or wetland hydrology were observed in the upland.

The palustrine forested portion of Wetland 23-W002 had a canopy layer dominated by green ash (*Fraxinus pennsylvanica*), and slippery elm (*Ulmus rubra*); a shrub layer dominated by Morrow's honeysuckle and green ash saplings; an herb layer dominated by sensitive fern, spotted jewelweed (*Impatiens capensis*), and Virginia creeper; and a dominant woody vine of Asian bittersweet.

Indicators of wetland hydrology in the palustrine forested wetlands included a high water table (A2), soil saturation (A3), water-stained leaves (B9) and FAC-neutral test (D5). The soil sample taken in the palustrine forested portion of Wetland 23-W002 indicated that soils were composed of three layers. From a depth of 0 to 10 inches, the soils were black (10YR 2/1) loamy clay. From a depth of 10 to 16 inches, soils were black (10YR 2/1) loamy clay with 10% dark yellowish brown (10YR 4/6) redox concentrations in the matrix. From a depth of 16 to 18 inches, soils were very dark gray (10YR 3/1) clay with 40% dark yellowish brown (10YR 4/6) redox concentrations in the matrix. Hydric soil indicators included a redox dark surface (F6) and a thick dark surface (A12).

Photographs 7 through 8 in Appendix D illustrate the palustrine forested wetland portion of Wetland 23-W002. The wetland-upland transition was relatively abrupt and generally followed site topography. The adjacent upland is a deciduous forest with an overstory dominated by sugar maple (*Acer saccharum*), eastern white pine, and black cherry (*Prunus serotina*); a shrub layer dominated by sugar maple saplings; and an herb layer dominated by sugar maple. No indicators of hydric soils or wetland hydrology were observed in the upland.

4.2.2 Vernal Pools

Within the Study Area, EDR identified one vernal pool totaling 0.02 acres. A description of this vernal pool is presented herein.

Vernal Pool 23-VP001

Vernal pool 23-VP001 was identified during the April 17, 2026 site visit with NPV. This area is a seasonally inundated depression approximately 0.02 acres in size. It occurs within a successional forest community with no apparent connection to any of the on-site wetlands. At the time of the site visit, water depth ranged from 4 to 12 inches. Several egg masses, including those of the spotted salamander (*Ambystoma maculatum*), were observed.

In addition to open water, vegetation in and adjacent to the vernal pool included willow (*Salix* sp.) saplings and herbaceous vegetation consisting of red osier dogwood (*Cornus sericea*) and willow seedlings, common reed grass (*Phragmites australis*), and broadleaf cattail (*Typha latifolia*).

Indicators of hydrology included surface water (A1), high water table (A2), soil saturation (A3), algal mat (B4). Soil samples indicated that soils were composed of one layer. From a depth of 0 to 12 inches, the soils were very dark grey (10YR 3/1) clay loam with 2% dark brown (7.5YR 3/3) redox concentrations in the matrix. Hydric soil indicators included a redox dark surface (F6) and a hydrogen sulfide (A4) odor.

The hydrology indicators observed in this area are typical for a vernal pool during the time of year in which it was observed. As described by the NY Natural Heritage Program, vernal pools are ephemerally ponded small, shallow depressions that retain water in the spring time and are dry by the summer. This area accurately meets the definition and function of vernal pool and therefore was treated as such.

Photographs 9 through 12 in Appendix D illustrate characteristics used to determine the vernal pool boundary. The transition was relatively abrupt and generally followed site topography. The adjacent upland is successional forest with an overstory dominated by eastern white pine and red maple (*Acer rubrum*); a shrub layer dominated Morrow's honeysuckle and black raspberry (*Rubus occidentalis*); and an herbaceous layer comprised of mugwort, southern arrow-wood (*Viburnum dentatum*), and Japanese barberry (*Berberis thunbergii*). No indicators of hydric soils or wetland hydrology were observed in the upland.

5.0 CONCLUSIONS

Within the Study Area, EDR identified two wetlands totaling 0.36 acres, one 0.02-acre vernal pool, and no streams.

The Study Area does not include any TNWs; therefore, Section 10 of the Rivers and Harbor Act is not applicable to the proposed Project. Additionally, the Study Area does not include any state navigable waters; therefore, Article 15 regulations related to navigable waters do not apply to the proposed Project.

Wetland 23-W001 and Wetland 23-W002 are anticipated to be considered jurisdictional by the USACE under Section 404 of the CWA because they are potentially adjacent wetlands.

It should be noted that EDR has made a presumption of CWA jurisdiction for delineated wetlands and streams onsite based on the current understanding of the 2023 Rule, as amended. Final jurisdictional status of all waters delineated within the Study Area will be subject to determination by the USACE.

The delineated wetlands are not expected to fall under state jurisdiction pursuant to Article 24 of the ECL due to receiving the letter of no jurisdiction from the NYSDEC on July 1, 2025.

The delineated vernal pool does not constitute a jurisdictional wetland. It is a small, isolated seasonal depression with no apparent hydrologic connection to any of the on-site wetlands. Therefore, is not anticipated to be subject to jurisdiction under Section 404 under USACE or jurisdiction under Article 24 of the ECL by the NYSDEC.

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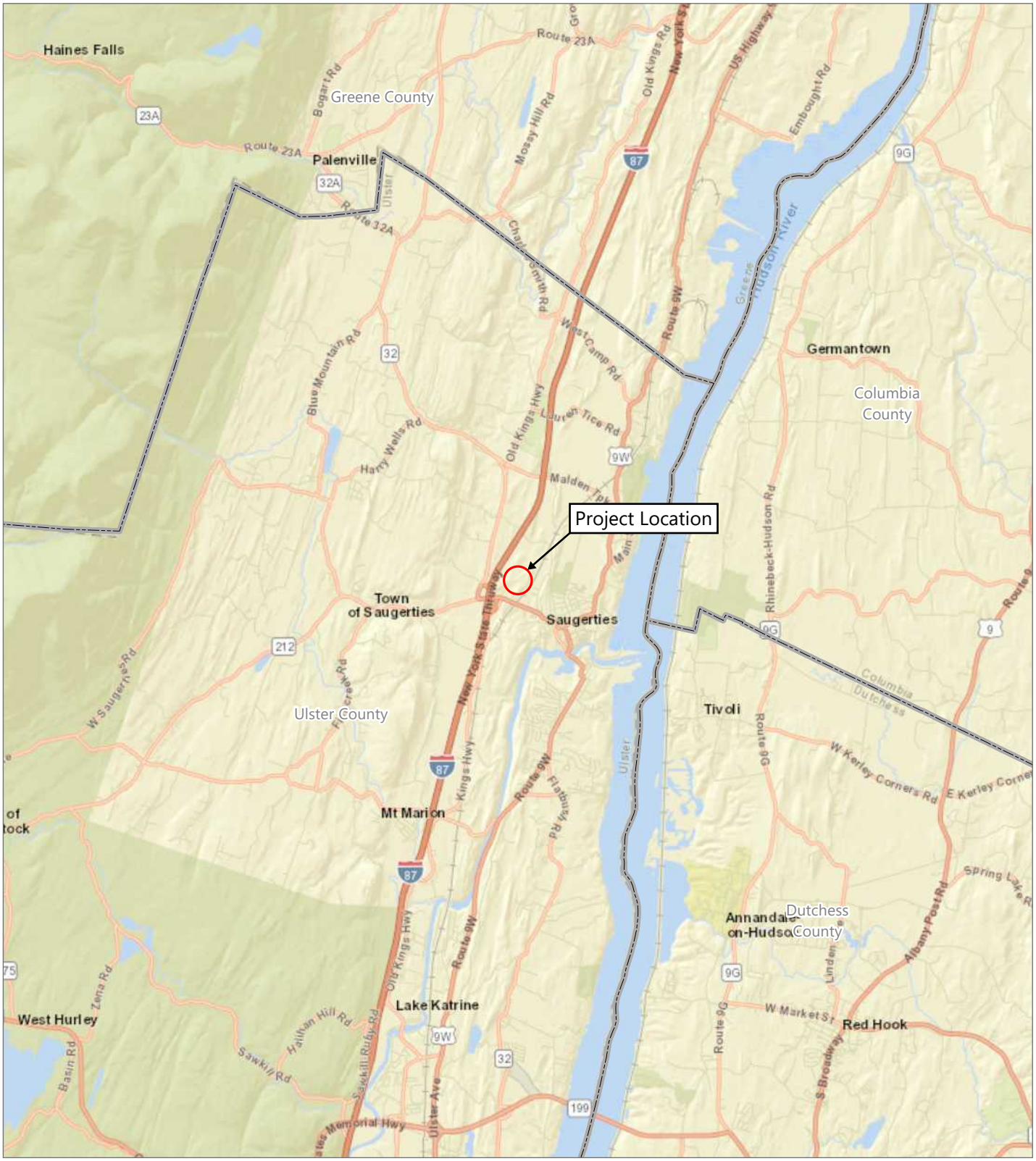
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Appendix A

Figures

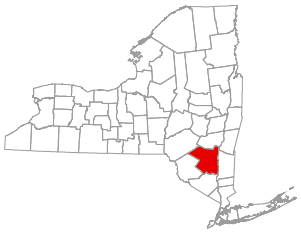
Figure 1. Regional Project Location



KCE NY 34 Battery Energy Storage System Project

Town of Saugerties,
Ulster County, New York

Wetland and Stream Delineation Report

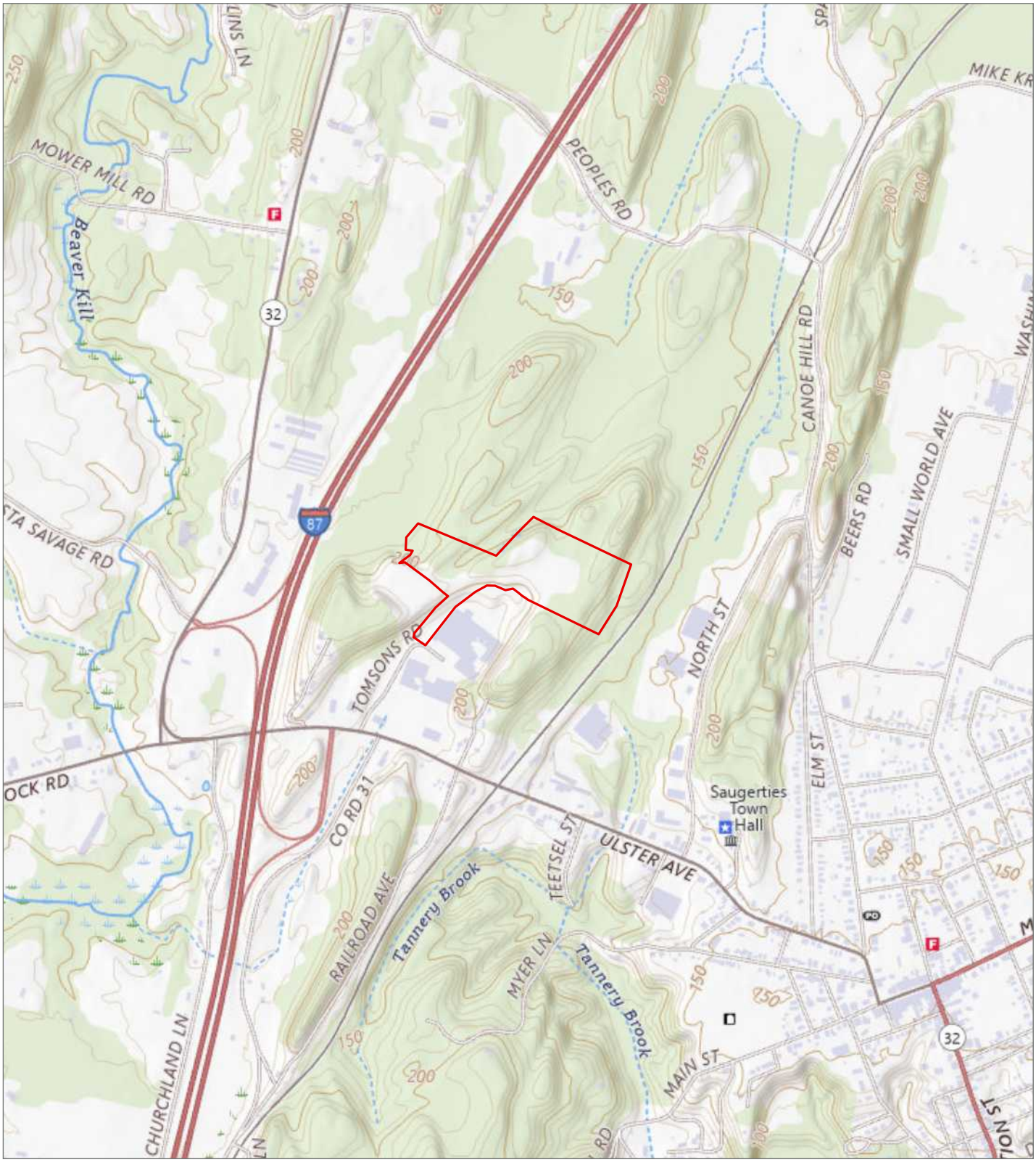


0 0.5 1 2
Miles

Prepared November 18, 2025
Basemap: Esri "World Street Map" map service

EDR

Figure 2. Topographic Mapping



KCE NY 34 Battery Energy Storage System Project

Town of Saugerties,
Ulster County, New York

Study Area

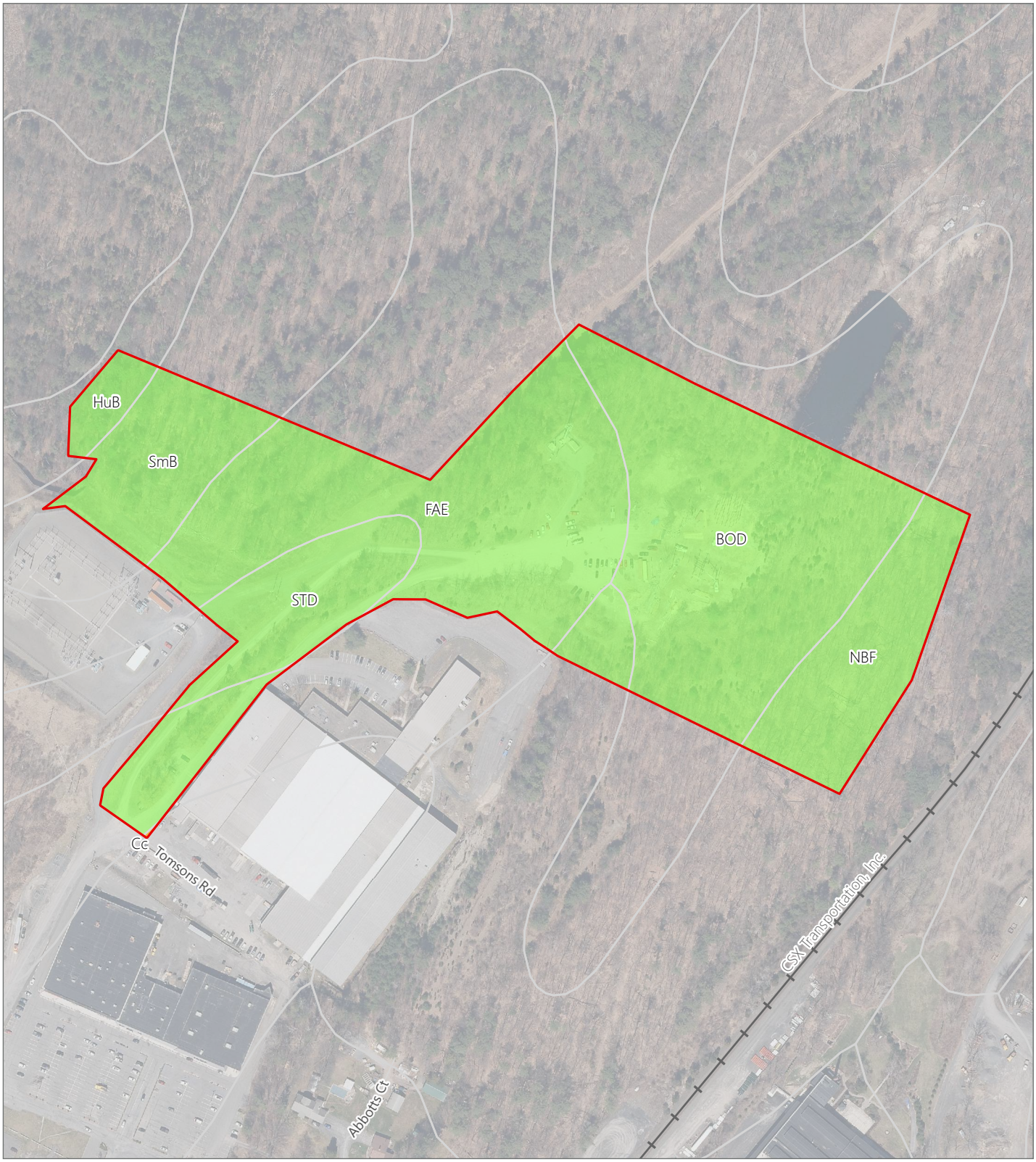
0 250 500 1,000
US Feet

Wetland and Stream Delineation Report

Prepared November 18, 2025
Basemap: Esri "USGS Topo" map service

EDR

Figure 3. Study Area Soil Mapping Units



KCE NY 34 Battery Energy Storage System Project

Town of Saugerties,
Ulster County, New York

Wetland and Stream Delineation Report

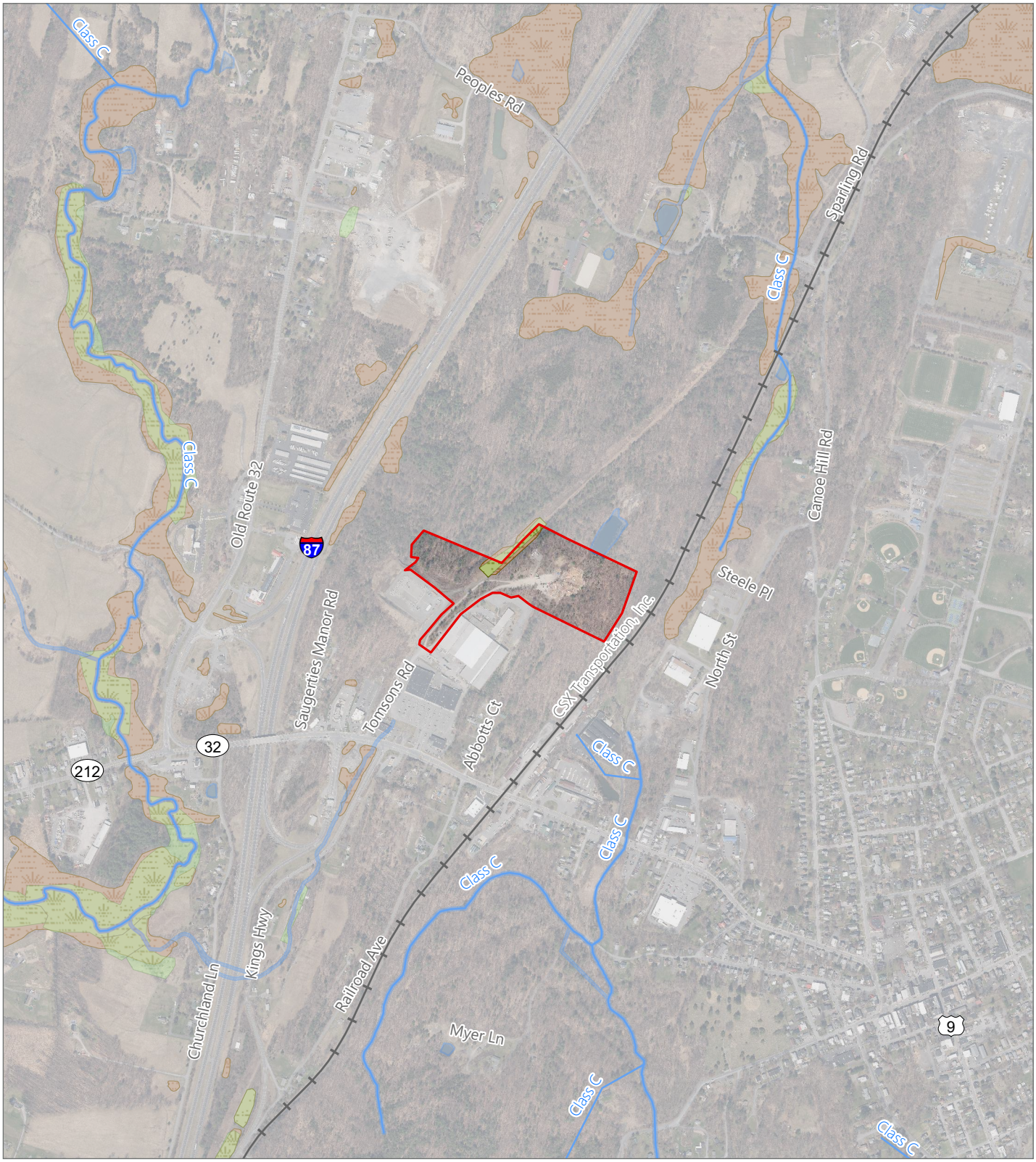
Hydric Soil Rating
- 0%
- 66-99%
- Study Area

0 50 100 200
US Feet

Prepared November 18, 2025
Basemap: NYSDOP "2024" orthoimagery map service

EDR

Figure 4. Mapped Wetlands and Streams



KCE NY 34 Battery Energy Storage System Project

Town of Saugerties,
Ulster County, New York

Wetland and Stream Delineation Report

NYSDEC Stream Classification

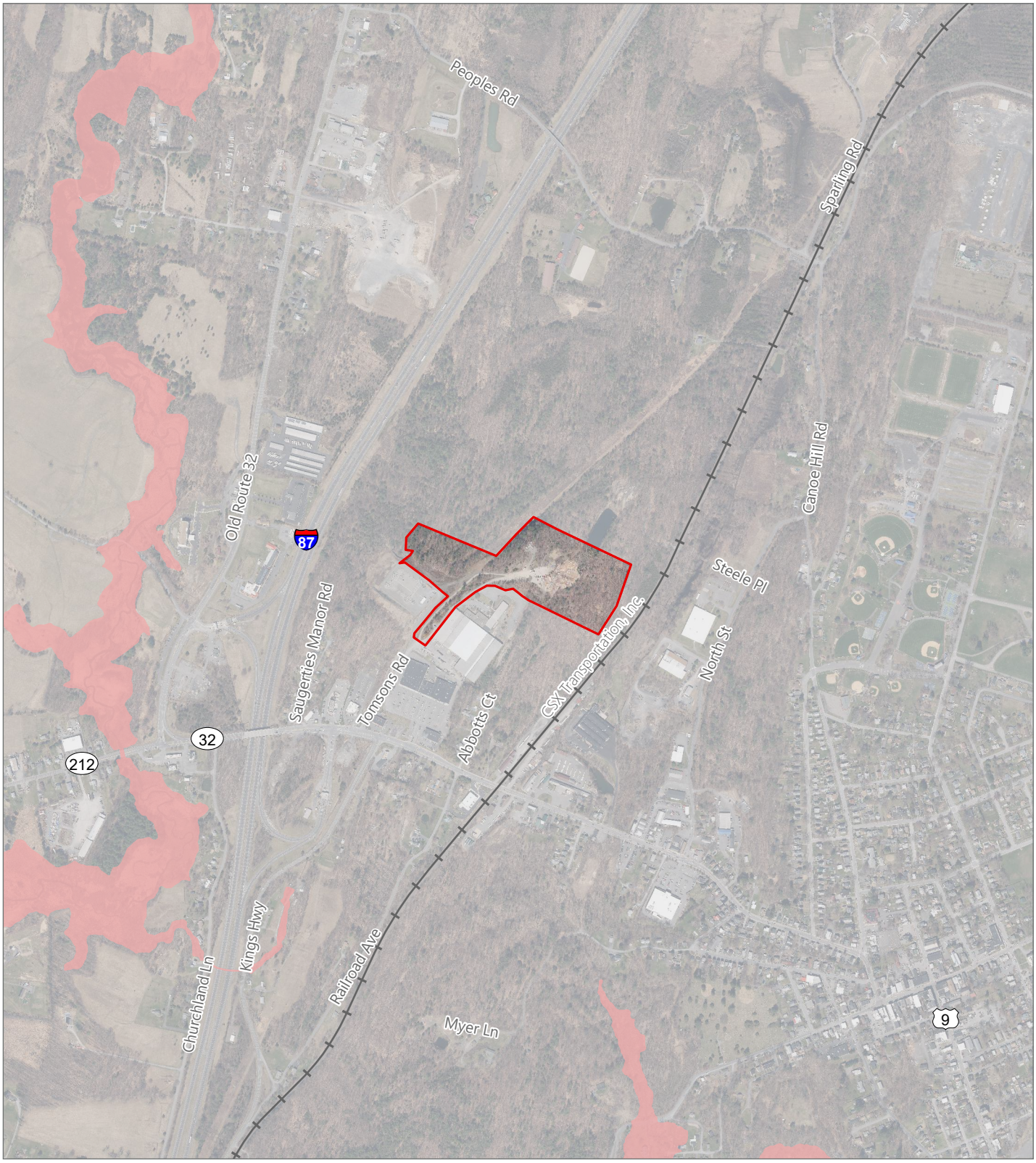
- Class C Stream
- Informational Freshwater Wetland Mapping
- NWI Mapped Wetland
- NWI Mapped Lake/Pond/Riverine
- Study Area

0 250 500 1,000
US Feet

Prepared November 18, 2025
Basemap: NYSDOP "2024" orthoimagery map service

EDR

Figure 5. Flood Hazard Zones



KCE NY 34 Battery Energy Storage System Project

Town of Saugerties,
Ulster County, New York

Wetland and Stream Delineation Report

FEMA 100-Year Flood Hazard Area

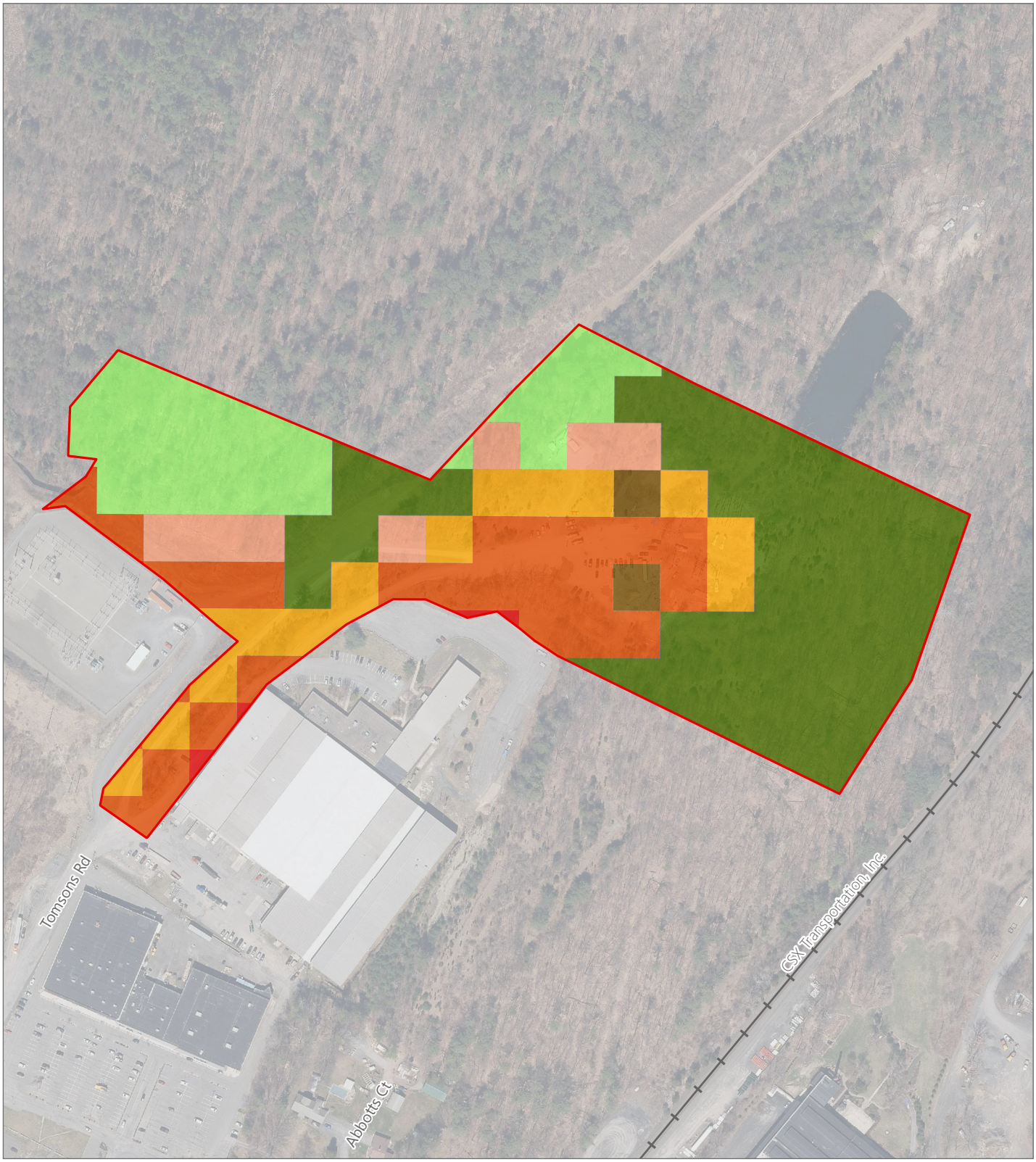
Study Area

0 250 500 1,000
US Feet

Prepared November 18, 2025
Basemap: NYSDOP "2024" orthoimagery map service

EDR

Figure 6. Study Area Land Cover



KCE NY 34 Battery Energy Storage System Project

Town of Saugerties,
Ulster County, New York

Wetland and Stream Delineation Report

2024 Land Cover

- Barren Land (Rock/Sand/Clay)
- Deciduous Forest
- Developed, High Intensity
- Developed, Medium Intensity
- Developed, Low Intensity
- Developed, Open Space
- Mixed Forest
- Study Area

0 50 100 200
US Feet

Prepared November 18, 2025
Basemap: NYSDOP "2024" orthoimagery map service

EDR

Figure 7. Delineated Wetlands



KCE NY 34 Battery Energy Storage System Project

Town of Saugerties, Ulster County, New York

Wetland and Stream Delineation Report

- Datapoint Wetland
- Wetland Flag
- Wetland Continues
- Delineated Vernal Pool
- Delineated Wetland
- Delineated Wetland Outside Study Area
- Study Area

Vernal Pool

Vernal Pool ID	Acres
23-VP001	0.02

Wetland

Wetland ID	Type	Acres
23-W001	POW	0.09
23-W002	PFO	0.23
23-W002	PEM	0.04

0 50 100 200

US Feet

Prepared September 30, 2026
Basemap: NYSDOP "2024" orthoimagery map service

EDR

Appendix B

NYSDEC Letter of No Jurisdiction

NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

LETTER OF NO JURISDICTION – FRESHWATER WETLANDS

07/01/2025
Bennett Amberger
274 N Goodman St, Rochester, NY, 14607, USA
Sent via email to: bamberger@edrdpc.com

Re: DEC Freshwater Wetlands Jurisdictional Determination for the requested area mapped below in this letter, Ulster County

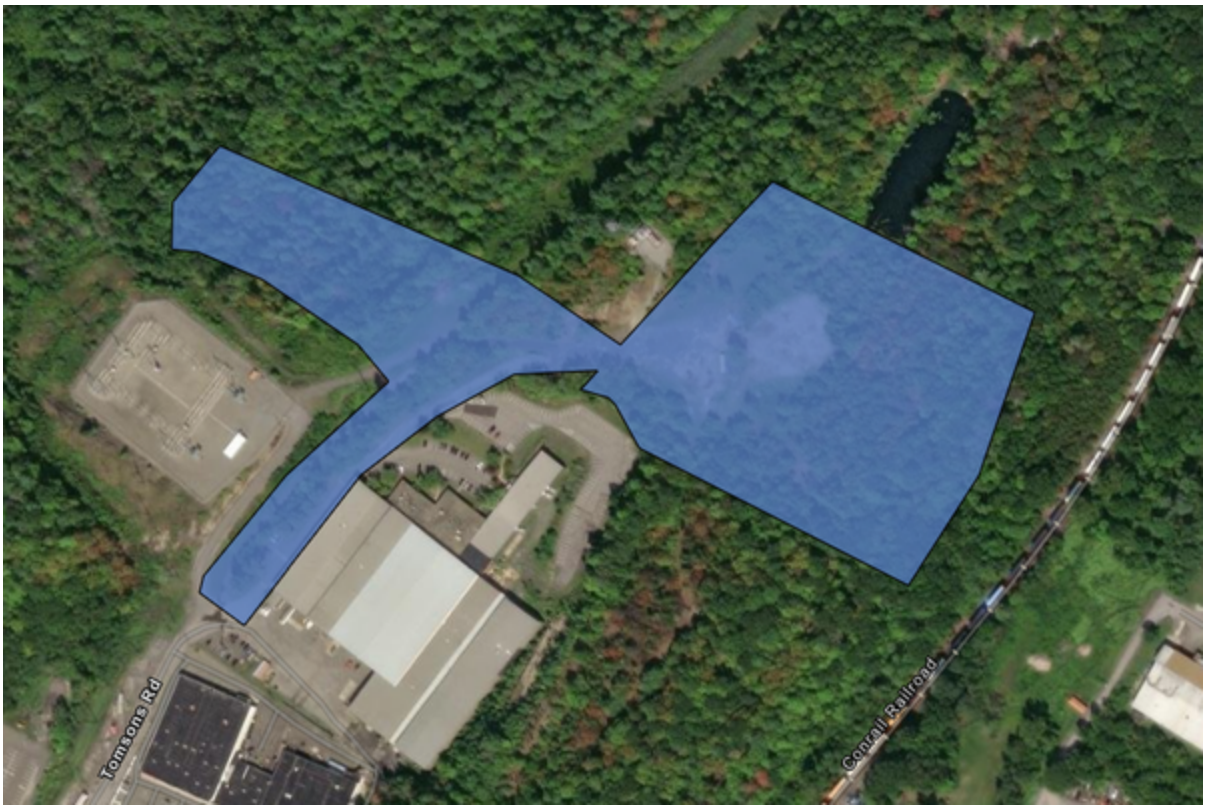
Dear Bennett Amberger,

Based on the area identified in your request, the New York State Department of Environmental Conservation (DEC) has determined that there are no DEC regulated freshwater wetlands and/or adjacent areas in the area identified in the map presented below. Therefore, in accordance with Article 24 of the Environmental Conservation Law (ECL) and 6 NYCRR Part 663, no freshwater wetlands permit is required. Pursuant to ECL section 24-0703, this letter shall remain valid for a period of five years from the date it is issued (through 06/29/2030).

Please note that this determination pertains only to state-regulated, freshwater wetlands and regulated adjacent areas. DEC also regulates protected streams, tidal wetlands, coastal erosion hazard areas, and other important environmental resources. Work affecting those areas may also require DEC permits. More information on other DEC permit programs is available online at https://dec.ny.gov/regulatory/permits-licenses/environmental-permits.

In addition, please note that this letter does not relieve you of the responsibility of obtaining any other necessary permits or approvals from other local, state, or federal agencies.

If you have questions regarding this determination, please email FWWjurisdiction@dec.ny.gov.


Tomsons Rd
Conrail Railroad

Appendix C

Routine Wetland Determination Data Sheets

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET - Northcentral and Northeast Region
See ERDC/EL TR-12-1; the proponent agency is CECW-COR

OMB Control #: 0710-0024, Exp: 09/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: KCE NY 34 Saugerties City/County: Ulster County Sampling Date: 04/17/2026
Applicant/Owner: Key Capture Energy State: New York Sampling Point: 23-VP001-1U
Investigator(s): JM AN Section, Township, Range: Town of Saugerties
Landform (hillslope, terrace, etc): Hillslope Local relief (concave, convex, none): convex Slope (%): 0-5
Subregion (LRR or MLRA): LRR R Lat: 42.0868875 Long: -73.963585 Datum: WSG-84
Soil Map Unit Name: Bath-Nassau-Rock outcrop complex, hilly NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	**Is the Sampled Area**		
Hydric Soil Present?	Yes ____	No X	**within a Wetland?**	Yes ____	No X
Wetland Hydrology Present?	Yes ____	No X	If yes, optional Wetland Site ID:		

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ____	No X	Depth (inches):	
Water Table Present?	Yes ____	No X	Depth (inches):	
Saturation Present? (includes capillary fringe)	Yes ____	No X	Depth (inches):	

Wetland Hydrology Present? Yes ____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants. Sampling Point: 23-VP001-1U

Tree Stratum (Plot size: 30-ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Pinus strobus* / Eastern white pine	20	Yes	FACU
2. *Acer rubrum* / Red maple	5	Yes	FAC
3.			
4.			
5.			
6.			
7.			
	25	= Total Cover	

Sapling/Shrub Stratum (Plot size: 15-ft)			
1. *Rubus occidentalis* / Black raspberry	20	Yes	NI
2. *Lonicera morrowii* / Morrow's honeysuckle	10	Yes	FACU
3.			
4.			
5.			
6.			
7.			
	30	= Total Cover	

Herb Stratum (Plot size: 5-ft)			
1. *Artemisia vulgaris* / Common wormwood	30	Yes	UPL
2. *Berberis thunbergii* / Japanese barberry	10	Yes	FACU
3. *Viburnum dentatum* / Southern arrow-wood	10	Yes	FAC
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	50	= Total Cover	

Woody Vine Stratum (Plot size: 30-ft)			
1.			
2.			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 7 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 28.6 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	15	x 3 =	45
FACU species	40	x 4 =	160
UPL species	50	x 5 =	250
Column Totals:	105 (A)		455 (B)

Prevalence Index = B/A = 4.33

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation
___ 2 - Dominance Test is >50%
___ 3 - Prevalence Index ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ___ No X

Remarks: (Explain alternative procedures here or in a separate report.)

SOIL

Sampling Point: 23-VP001-1U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR 4/4	100					Silt Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Mesic Spodic (A17) **(MLRA 144A, 145, 149B)**
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ High Chroma Sands (S11) **(LRR K, L)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR K, L)**
- ___ Red Parent Material (F21) **(MLRA 145)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Red Parent Material (F21) **(outside MLRA 145)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present. unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET - Northcentral and Northeast Region
See ERDC/EL TR-12-1; the proponent agency is CECW-COR

OMB Control #: 0710-0024, Exp: 09/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: KCE NY 34 Saugerties | City/County: Ulster County | Sampling Date: 04/17/2026
Applicant/Owner: Key Capture Energy | State: New York | Sampling Point: 23-VP001-1W
Investigator(s): JM AN | Section, Township, Range: Town of Saugerties
Landform (hillslope, terrace, etc): Bowl-shaped depression | Local relief (concave, convex, none): concave | Slope (%): 0-5
Subregion (LRR or MLRA): LRR R | Lat: 42.08692833 | Long: -73.96360317 | Datum: WSG-84
Soil Map Unit Name: Bath-Nassau-Rock outcrop complex, hilly | NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ___ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ___
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	X	No		
Hydric Soil Present?	Yes	X	No	**Is the Sampled Area within a Wetland?**	Yes X No ___
Wetland Hydrology Present?	Yes	X	No	If yes, optional Wetland Site ID:	23-W003-1W PFO

Remarks: Vernal pool containing frog egg masses during the delineation.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- X Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- X Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- X FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes	X	No	Depth (inches):	6
Water Table Present?	Yes	X	No	Depth (inches):	0
Saturation Present? (includes capillary fringe)	Yes	X	No	Depth (inches):	0

Wetland Hydrology Present? Yes X No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants. Sampling Point: 23-VP001-1W

Tree Stratum (Plot size: 30-ft)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0	= Total Cover	
Sapling/Shrub Stratum (Plot size: 15-ft)			
1. *Salix sp.* / Willow	10	Yes	NI
2.			
3.			
4.			
5.			
6.			
7.			
	10	= Total Cover	
Herb Stratum (Plot size: 5-ft)			
1. *Phragmites australis* / Common reed	20	Yes	FACW
2. *Typha latifolia* / Broadleaf cattail, Broad-leaved cattail	10	Yes	OBL
3. *Cornus sericea* / American dogwood	10	Yes	FACW
4. *Salix sp.* / Willow	5	No	NI
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	45	= Total Cover	
Woody Vine Stratum (Plot size: 30-ft)			
1.			
2.			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 75.0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	10	x 1 =	10
FACW species	30	x 2 =	60
FAC species	0	x 3 =	0
FACU species	0	x 4 =	0
UPL species	15	x 5 =	75
Column Totals:	55 (A)		145 (B)

Prevalence Index = B/A = 2.64

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- X 2 - Dominance Test is >50%
- X 3 - Prevalence Index ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (Explain alternative procedures here or in a separate report.)

SOIL Sampling Point: 23-VP001-1W

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	10YR 3/1	98	7.5YR 3/3	2	C	M	Clay Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- X Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Mesic Spodic (A17) **(MLRA 144A, 145, 149B)**
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ High Chroma Sands (S11) **(LRR K, L)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- X Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR K, L)**
- ___ Red Parent Material (F21) **(MLRA 145)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Red Parent Material (F21) **(outside MLRA 145)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present. unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes X No ___

Remarks: Gravel refusal at 12 inches

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET - Northcentral and Northeast Region
See ERDC/EL TR-12-1; the proponent agency is CECW-COR

OMB Control #: 0710-0024, Exp: 09/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: KCE NY 34 Saugerties | City/County: Ulster County | Sampling Date: 05/21/2025
Applicant/Owner: Key Capture Energy | State: New York | Sampling Point: 23-W001-1U
Investigator(s): RN AN | Section, Township, Range: Town of Saugerties
Landform (hillslope, terrace, etc): Flat | Local relief (concave, convex, none): none | Slope (%): 0-5
Subregion (LRR or MLRA): LRR R | Lat: 42.0878285 | Long: -73.96280483 | Datum: WSG-84
Soil Map Unit Name: Bath-Nassau-Rock outcrop complex, hilly | NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ___ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ___
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ___	No X	**Is the Sampled Area within a Wetland?** Yes ___ No X
Hydric Soil Present?	Yes ___	No X	If yes, optional Wetland Site ID:
Wetland Hydrology Present?	Yes ___	No X	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ___	No X	Depth (inches):
Water Table Present?	Yes ___	No X	Depth (inches):
Saturation Present? (includes capillary fringe)	Yes ___	No X	Depth (inches):

Wetland Hydrology Present? Yes ___ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants. Sampling Point: 23-W001-1U

Tree Stratum (Plot size: 30-ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Juniperus virginiana* / Eastern red-cedar	30	Yes	FACU
2. *Pinus strobus* / Eastern white pine	10	Yes	FACU
3. *Pyrus calleryana* / Callery pear	10	Yes	NI
4.			
5.			
6.			
7.			
	50	= Total Cover	
Sapling/Shrub Stratum (Plot size: 15-ft)			
1. *Lonicera morrowii* / Morrow's honeysuckle	10	Yes	FACU
2. *Pinus strobus* / Eastern white pine	10	Yes	FACU
3. *Quercus rubra* / Northern red oak	5	Yes	FACU
4.			
5.			
6.			
7.			
	25	= Total Cover	
Herb Stratum (Plot size: 5-ft)			
1. *Equisetum arvense* / Common horsetail	70	Yes	FAC
2. *Galium aparine* / Cleavers, Goose grass	5	No	FACU
3. *Parthenocissus quinquefolia* / Virginia creeper	5	No	FACU
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	80	= Total Cover	
Woody Vine Stratum (Plot size: 30-ft)			
1. *Celastrus orbiculatus* / Asian bittersweet	15	Yes	FACU
2.			
3.			
4.			
	15	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 8 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 12.5 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	70	x 3 =	210
FACU species	90	x 4 =	360
UPL species	10	x 5 =	50
Column Totals:	170 (A)		620 (B)

Prevalence Index = B/A = 3.65

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation
___ 2 - Dominance Test is >50%
___ 3 - Prevalence Index ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ___ No X

Remarks: (Explain alternative procedures here or in a separate report.)

SOIL

Sampling Point: 23-W001-1U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-3	10YR 4/3	100					Silt Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Mesic Spodic (A17) **(MLRA 144A, 145, 149B)**
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ High Chroma Sands (S11) **(LRR K, L)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR K, L)**
- ___ Red Parent Material (F21) **(MLRA 145)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Red Parent Material (F21) **(outside MLRA 145)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present. unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks: Rock refusal at 3in, multiple locations sampled.

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET - Northcentral and Northeast Region
See ERDC/EL TR-12-1; the proponent agency is CECW-COR

OMB Control #: 0710-0024, Exp: 09/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: KCE NY 34 Saugerties | City/County: Ulster County | Sampling Date: 05/21/2025
Applicant/Owner: Key Capture Energy | State: New York | Sampling Point: 23-W001-1W
Investigator(s): RN AN | Section, Township, Range: Town of Saugerties
Landform (hillslope, terrace, etc): Bowl shaped depression | Local relief (concave, convex, none): concave | Slope (%): 0-5
Subregion (LRR or MLRA): LRR R | Lat: 42.0878895 | Long: -73.96279267 | Datum: WSG-84
Soil Map Unit Name: Bath-Nassau-Rock outcrop complex, hilly | NWI classification: PUBHx
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ___ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ___
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	X	No		
Hydric Soil Present?	Yes	X	No	**Is the Sampled Area within a Wetland?**	Yes X No ___
Wetland Hydrology Present?	Yes	X	No	If yes, optional Wetland Site ID:	23-W001-1W POW

Remarks: Artificial dye in pond

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- X Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- X Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- X FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes	X	No	Depth (inches):	12+
Water Table Present?	Yes	X	No	Depth (inches):	0
Saturation Present? (includes capillary fringe)	Yes	X	No	Depth (inches):	0

Wetland Hydrology Present? Yes X No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants. Sampling Point: 23-W001-1W

Tree Stratum (Plot size: 30-ft)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0	= Total Cover	
Sapling/Shrub Stratum (Plot size: 15-ft)			
1. *Cornus amomum* / Silky dogwood	10	Yes	FACW
2.			
3.			
4.			
5.			
6.			
7.			
	10	= Total Cover	
Herb Stratum (Plot size: 5-ft)			
1. *Phragmites australis* / Common reed	20	Yes	FACW
2. *Equisetum arvense* / Common horsetail	10	Yes	FAC
3. *Onoclea sensibilis* / Sensitive fern	5	No	FACW
4. *Toxicodendron radicans* / Eastern poison ivy	5	No	FAC
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	40	= Total Cover	
Woody Vine Stratum (Plot size: 30-ft)			
1.			
2.			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	35	x 2 =	70
FAC species	15	x 3 =	45
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column Totals:	50 (A)		115 (B)

Prevalence Index = B/A = 2.3

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- X 2 - Dominance Test is >50%
- X 3 - Prevalence Index ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (Explain alternative procedures here or in a separate report.)

SOIL

Sampling Point: 23-W001-1W

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
								Could not sample due to water depth and r

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Mesic Spodic (A17) **(MLRA 144A, 145, 149B)**
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ High Chroma Sands (S11) **(LRR K, L)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR K, L)**
- ___ Red Parent Material (F21) **(MLRA 145)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Red Parent Material (F21) **(outside MLRA 145)**
- ___ Very Shallow Dark Surface (F22)
- X Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present. unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes X No ___

Remarks: Could not sample due to water depth and rocky substrate

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET - Northcentral and Northeast Region
See ERDC/EL TR-12-1; the proponent agency is CECW-COR

OMB Control #: 0710-0024, Exp: 09/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: KCE NY 34 Saugerties | City/County: Ulster County | Sampling Date: 05/21/2025
Applicant/Owner: Key Capture Energy | State: New York | Sampling Point: 23-W002-1U
Investigator(s): RN AN | Section, Township, Range: Town of Saugerties
Landform (hillslope, terrace, etc): Shoulderslope | Local relief (concave, convex, none): convex | Slope (%): 5-10
Subregion (LRR or MLRA): LRR R | Lat: 42.08719133 | Long: -73.967373 | Datum: WSG-84
Soil Map Unit Name: Farmington-Rock outcrop complex, steep | NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ___ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ___
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ___	No X	**Is the Sampled Area within a Wetland?** Yes ___ No X
Hydric Soil Present?	Yes ___	No X	If yes, optional Wetland Site ID:
Wetland Hydrology Present?	Yes ___	No X	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ___ No X	Depth (inches):	
Water Table Present?	Yes ___ No X	Depth (inches):	
Saturation Present? (includes capillary fringe)	Yes ___ No X	Depth (inches):	

Wetland Hydrology Present? Yes ___ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants. Sampling Point: 23-W002-1U

Tree Stratum (Plot size: 30-ft)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0	= Total Cover	
Sapling/Shrub Stratum (Plot size: 15-ft)			
1. *Rubus allegheniensis* / Allegheny blackberry	5	Yes	FACU
2. *Acer platanoides* / Norway maple	2	Yes	UPL
3.			
4.			
5.			
6.			
7.			
	7	= Total Cover	
Herb Stratum (Plot size: 5-ft)			
1. *Artemisia vulgaris* / Common wormwood	40	Yes	UPL
2. *Solidago canadensis* / Canada goldenrod	10	Yes	FACU
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	50	= Total Cover	
Woody Vine Stratum (Plot size: 30-ft)			
1. *Celastrus orbiculatus* / Asian bittersweet	15	Yes	FACU
2.			
3.			
4.			
	15	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0.0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	30	x 4 =	120
UPL species	42	x 5 =	210
Column Totals:	72 (A)		330 (B)

Prevalence Index = B/A = 4.58

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation
___ 2 - Dominance Test is >50%
___ 3 - Prevalence Index ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ___ No X

Remarks: (Explain alternative procedures here or in a separate report.)

SOIL Sampling Point: 23-W002-1U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR 4/3	100					Slty Clay Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Mesic Spodic (A17) **(MLRA 144A, 145, 149B)**
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ High Chroma Sands (S11) **(LRR K, L)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR K, L)**
- ___ Red Parent Material (F21) **(MLRA 145)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Red Parent Material (F21) **(outside MLRA 145)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present. unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ___ No X

Remarks:

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET - Northcentral and Northeast Region
See ERDC/EL TR-12-1; the proponent agency is CECW-COR

OMB Control #: 0710-0024, Exp: 09/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: KCE NY 34 Saugerties | City/County: Ulster County | Sampling Date: 05/21/2025
Applicant/Owner: Key Capture Energy | State: New York | Sampling Point: 23-W002-1W
Investigator(s): RN AN | Section, Township, Range: Town of Saugerties
Landform (hillslope, terrace, etc): Depression | Local relief (concave, convex, none): concave | Slope (%): 3-8
Subregion (LRR or MLRA): LRR R | Lat: 42.08727233 | Long: -73.96736983 | Datum: WSG-84
Soil Map Unit Name: Farmington-Rock outcrop complex, steep | NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ___ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ___
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ___	**Is the Sampled Area within a Wetland?** Yes X No ___
Hydric Soil Present?	Yes X	No ___	If yes, optional Wetland Site ID: 23-W002-1W PEM
Wetland Hydrology Present?	Yes X	No ___	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- X Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- X FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ___	No X	Depth (inches): ___
Water Table Present?	Yes ___	No X	Depth (inches): ___
Saturation Present? (includes capillary fringe)	Yes ___	No X	Depth (inches): ___

Wetland Hydrology Present? Yes X No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants. Sampling Point: 23-W002-1W

Tree Stratum (Plot size: 30-ft)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0	= Total Cover	
Sapling/Shrub Stratum (Plot size: 15-ft)			
1. *Salix sp.* / Willow	5	Yes	FACW
2.			
3.			
4.			
5.			
6.			
7.			
	5	= Total Cover	
Herb Stratum (Plot size: 5-ft)			
1. *Onoclea sensibilis* / Sensitive fern	40	Yes	FACW
2. *Phragmites australis* / Common reed	30	Yes	FACW
3. *Solidago gigantea* / Smooth goldenrod	20	Yes	FACW
4. *Lythrum salicaria* / Purple loosestrife	5	No	OBL
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	95	= Total Cover	
Woody Vine Stratum (Plot size: 30-ft)			
1.			
2.			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	5	x 1 =	5
FACW species	95	x 2 =	190
FAC species	0	x 3 =	0
FACU species	0	x 4 =	0
UPL species	0	x 5 =	0
Column Totals:	100 (A)		195 (B)

Prevalence Index = B/A = 1.95

Hydrophytic Vegetation Indicators:

- X 1 - Rapid Test for Hydrophytic Vegetation
- X 2 - Dominance Test is >50%
- X 3 - Prevalence Index ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (Explain alternative procedures here or in a separate report.)

SOIL

Sampling Point: 23-W002-1W

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-10	10YR 5/2	75	10YR 4/6	25	C	PL,M	Slty Clay Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Mesic Spodic (A17) **(MLRA 144A, 145, 149B)**
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ High Chroma Sands (S11) **(LRR K, L)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR K, L)**
- ___ Red Parent Material (F21) **(MLRA 145)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Red Parent Material (F21) **(outside MLRA 145)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present. unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes X No ___

Remarks: Gravel refusal at 10in. Multiple locations sampled

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET - Northcentral and Northeast Region
See ERDC/EL TR-12-1; the proponent agency is CECW-COR

OMB Control #: 0710-0024, Exp: 09/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: KCE NY 34 Saugerties | City/County: Ulster County | Sampling Date: 05/21/2025
Applicant/Owner: Key Capture Energy | State: New York | Sampling Point: 23-W002-2U
Investigator(s): RN AN | Section, Township, Range: Town of Saugerties
Landform (hillslope, terrace, etc): Toeslope | Local relief (concave, convex, none): concave | Slope (%): 5-15
Subregion (LRR or MLRA): LRR R | Lat: 42.087864 | Long: -73.966665 | Datum: WSG-84
Soil Map Unit Name: Farmington-Rock outcrop complex, steep | NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ___ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ___
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ___	No X	**Is the Sampled Area within a Wetland?** Yes ___ No X
Hydric Soil Present?	Yes ___	No X	If yes, optional Wetland Site ID:
Wetland Hydrology Present?	Yes ___	No X	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ___	No X	Depth (inches):
Water Table Present?	Yes ___	No X	Depth (inches):
Saturation Present? (includes capillary fringe)	Yes ___	No X	Depth (inches):

Wetland Hydrology Present? Yes ___ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants. Sampling Point: 23-W002-2U

Tree Stratum (Plot size: 30-ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Acer saccharum* / Sugar maple	80	Yes	FACU
2. *Pinus strobus* / Eastern white pine	30	Yes	FACU
3. *Prunus serotina* / Black cherry	20	No	FACU
4.			
5.			
6.			
7.			
	130	= Total Cover	

Sapling/Shrub Stratum (Plot size: 15-ft)			
1. *Acer saccharum* / Sugar maple	5	Yes	FACU
2.			
3.			
4.			
5.			
6.			
7.			
	5	= Total Cover	

Herb Stratum (Plot size: 5-ft)			
1. *Acer saccharum* / Sugar maple	15	Yes	FACU
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	15	= Total Cover	

Woody Vine Stratum (Plot size: 30-ft)			
1.			
2.			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0.0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	150	x 4 =	600
UPL species	0	x 5 =	0
Column Totals:	150 (A)		600 (B)

Prevalence Index = B/A = 4.0

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation
___ 2 - Dominance Test is >50%
___ 3 - Prevalence Index ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ___ No X

Remarks: (Explain alternative procedures here or in a separate report.)

SOIL

Sampling Point: 23-W002-2U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-4	10YR 4/3	100					Silt Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Mesic Spodic (A17) **(MLRA 144A, 145, 149B)**
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ High Chroma Sands (S11) **(LRR K, L)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR K, L)**
- ___ Red Parent Material (F21) **(MLRA 145)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Red Parent Material (F21) **(outside MLRA 145)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present. unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks: Root refusal at 4in, multiple locations sampled

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET - Northcentral and Northeast Region
See ERDC/EL TR-12-1; the proponent agency is CECW-COR

OMB Control #: 0710-0024, Exp: 09/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: KCE NY 34 Saugerties | City/County: Ulster County | Sampling Date: 05/21/2025
Applicant/Owner: Key Capture Energy | State: New York | Sampling Point: 23-W002-2W
Investigator(s): RN AN | Section, Township, Range: Town of Saugerties
Landform (hillslope, terrace, etc): Swale | Local relief (concave, convex, none): concave | Slope (%): 0-5
Subregion (LRR or MLRA): LRR R | Lat: 42.087736 | Long: -73.96659017 | Datum: WSG-84
Soil Map Unit Name: Farmington-Rock outcrop complex, steep | NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ___ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ___
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ___	**Is the Sampled Area within a Wetland?** Yes X No ___
Hydric Soil Present?	Yes X	No ___	If yes, optional Wetland Site ID: 23-W002-2W PFO
Wetland Hydrology Present?	Yes X	No ___	

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- X Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- X FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ___ No X	Depth (inches):	
Water Table Present?	Yes X No ___	Depth (inches):	6
Saturation Present? (includes capillary fringe)	Yes X No ___	Depth (inches):	2

Wetland Hydrology Present? Yes X No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants. Sampling Point: 23-W002-2W

Tree Stratum (Plot size: 30-ft)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Fraxinus pennsylvanica* / Green ash	40	Yes	FACW
2. *Ulmus rubra* / Slippery elm	5	No	FAC
3.			
4.			
5.			
6.			
7.			
	45	= Total Cover	
Sapling/Shrub Stratum (Plot size: 15-ft)			
1. *Fraxinus pennsylvanica* / Green ash	15	Yes	FACW
2. *Lonicera morrowii* / Morrow's honeysuckle	15	Yes	FACU
3.			
4.			
5.			
6.			
7.			
	30	= Total Cover	
Herb Stratum (Plot size: 5-ft)			
1. *Impatiens capensis* / Spotted jewelweed	80	Yes	FACW
2. *Parthenocissus quinquefolia* / Virginia creeper	20	No	FACU
3. *Onoclea sensibilis* / Sensitive fern	5	No	FACW
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
	105	= Total Cover	
Woody Vine Stratum (Plot size: 30-ft)			
1. *Celastrus orbiculatus* / Asian bittersweet	10	Yes	FACU
2.			
3.			
4.			
	10	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 60.0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	140	x 2 =	280
FAC species	5	x 3 =	15
FACU species	45	x 4 =	180
UPL species	0	x 5 =	0
Column Totals:	190 (A)		475 (B)

Prevalence Index = B/A = 2.5

Hydrophytic Vegetation Indicators:

- ___ 1 - Rapid Test for Hydrophytic Vegetation
- X 2 - Dominance Test is >50%
- X 3 - Prevalence Index ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (Explain alternative procedures here or in a separate report.)

SOIL Sampling Point: 23-W002-2W

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-10	10YR 2/1	98	10YR 4/6	2	C	M	Clay Loam	
10-16	10YR 2/1	90	10YR 4/6	10	C	M	Clay Loam	
16-18	10YR 3/1	60	10YR 4/6	40	C	M	Clay	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Mesic Spodic (A17) **(MLRA 144A, 145, 149B)**
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ High Chroma Sands (S11) **(LRR K, L)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- X Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR K, L)**
- ___ Red Parent Material (F21) **(MLRA 145)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Red Parent Material (F21) **(outside MLRA 145)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present. unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes X No ___

Remarks:

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET - Northcentral and Northeast Region
See ERDC/EL TR-12-1; the proponent agency is CECW-COR

OMB Control #: 0710-0024, Exp: 09/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: KCE NY 34 Saugerties City/County: Ulster County Sampling Date: 05/21/2025
Applicant/Owner: Key Capture Energy State: New York Sampling Point: 23-W002-3U
Investigator(s): AN RN Section, Township, Range: Town of Saugerties
Landform (hillslope, terrace, etc): toeslope Local relief (concave, convex, none): concave Slope (%): 5-10
Subregion (LRR or MLRA): LRR R Lat: 42.08838817 Long: -73.964935 Datum: WSG-84
Soil Map Unit Name: Farmington-Rock outcrop complex, steep NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ___ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ___
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ___	No X	**Is the Sampled Area**		
Hydric Soil Present?	Yes ___	No X	**within a Wetland?**	Yes ___	No X
Wetland Hydrology Present?	Yes ___	No X	If yes, optional Wetland Site ID:		

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ___	No X	Depth (inches):	
Water Table Present?	Yes ___	No X	Depth (inches):	
Saturation Present? (includes capillary fringe)	Yes ___	No X	Depth (inches):	

Wetland Hydrology Present? Yes ___ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants. Sampling Point: 23-W002-3U

Tree Stratum (Plot size: 30-ft)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0	= Total Cover	
Sapling/Shrub Stratum (Plot size: 15-ft)			
1. *Rubus allegheniensis* / Allegheny blackberry	10	Yes	FACU
2. *Rosa multiflora* / Multiflora rose, Multiflora rosa	5	Yes	FACU
3. *Rhamnus cathartica* / European buckthorn	5	Yes	FAC
4. *Lonicera morrowii* / Morrow's honeysuckle	5	Yes	FACU
5.			
6.			
7.			
	25	= Total Cover	
Herb Stratum (Plot size: 5-ft)			
1. *Onoclea sensibilis* / Sensitive fern	30	Yes	FACW
2. *Artemisia vulgaris* / Common wormwood	30	Yes	UPL
3. *Dactylis glomerata* / Orchardgrass	10	Yes	FACU
4. *Alopecurus pratensis* / Meadow foxtail	10	Yes	FAC
5. *Parthenocissus quinquefolia* / Virginia creeper	10	Yes	FACU
6. *Elymus repens* / Quack grass	10	Yes	FACU
7. *Poa pratensis* / Kentucky blue grass	10	Yes	FACU
8. *Anthoxanthum odoratum* / Sweet vernal grass	10	Yes	FACU
9. *Dichanthelium clandestinum* / Deer-tongue rosette grass	10	Yes	FACW
10. *Asclepias syriaca* / Common milkweed	10	Yes	UPL
11.			
12.			
	140	= Total Cover	
Woody Vine Stratum (Plot size: 30-ft)			
1.			
2.			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 4 (A)

Total Number of Dominant Species Across All Strata: 14 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 28.6 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	40	x 2 =	80
FAC species	15	x 3 =	45
FACU species	70	x 4 =	280
UPL species	40	x 5 =	200
Column Totals:	165 (A)		605 (B)

Prevalence Index = B/A = 3.67

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation
___ 2 - Dominance Test is >50%
___ 3 - Prevalence Index ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes ___ No X

Remarks: (Explain alternative procedures here or in a separate report.)

SOIL

Sampling Point: 23-W002-3U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-4	10YR 4/3	100					Slty Clay Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Mesic Spodic (A17) **(MLRA 144A, 145, 149B)**
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ High Chroma Sands (S11) **(LRR K, L)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR K, L)**
- ___ Red Parent Material (F21) **(MLRA 145)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Red Parent Material (F21) **(outside MLRA 145)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present. unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET - Northcentral and Northeast Region
See ERDC/EL TR-12-1; the proponent agency is CECW-COR

OMB Control #: 0710-0024, Exp: 09/30/2027
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: KCE NY 34 Saugerties | City/County: Ulster County | Sampling Date: 05/21/2025
Applicant/Owner: Key Capture Energy | State: New York | Sampling Point: 23-W002-3W
Investigator(s): RN AN | Section, Township, Range: Town of Saugerties
Landform (hillslope, terrace, etc): Swale | Local relief (concave, convex, none): concave | Slope (%): 0-5
Subregion (LRR or MLRA): LRR R | Lat: 42.08848583 | Long: -73.96504283 | Datum: WSG-84
Soil Map Unit Name: Farmington-Rock outcrop complex, steep | NWI classification: PEM1E
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ___ (If no, explain in Remarks.)
Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes X No ___
Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	X	No		
Hydric Soil Present?	Yes	X	No	**Is the Sampled Area within a Wetland?**	Yes X No ___
Wetland Hydrology Present?	Yes	X	No	If yes, optional Wetland Site ID:	23-W003-1W PEM

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ Marl Deposits (B15)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Moss Trim Lines (B16)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Microtopographic Relief (D4)
- X FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes	___	No X	Depth (inches):	___
Water Table Present?	Yes	X	No ___	Depth (inches):	3
Saturation Present? (includes capillary fringe)	Yes	X	No ___	Depth (inches):	0

Wetland Hydrology Present? Yes X No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

VEGETATION - Use scientific names of plants. Sampling Point: 23-W002-3W

Tree Stratum (Plot size: 30-ft)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
5.			
6.			
7.			
	0	= Total Cover	
Sapling/Shrub Stratum (Plot size: 15-ft)			
1. *Lonicera morrowii* / Morrow's honeysuckle	2	No	FACU
2.			
3.			
4.			
5.			
6.			
7.			
	2	= Total Cover	
Herb Stratum (Plot size: 5-ft)			
1. *Phragmites australis* / Common reed	70	Yes	FACW
2. *Onoclea sensibilis* / Sensitive fern	20	No	FACW
3. *Impatiens capensis* / Spotted jewelweed	15	No	FACW
4. *Arisaema triphyllum* / Jack-in-the-pulpit	10	No	FAC
5. *Eutrochium maculatum* / Spotted trumpetweed	5	No	OBL
6. *Solidago gigantea* / Smooth goldenrod	5	No	FACW
7. *Symplocarpus foetidus* / Skunk-cabbage	5	No	OBL
8.			
9.			
10.			
11.			
12.			
	130	= Total Cover	
Woody Vine Stratum (Plot size: 30-ft)			
1.			
2.			
3.			
4.			
	0	= Total Cover	

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	10	x 1 =	10
FACW species	110	x 2 =	220
FAC species	10	x 3 =	30
FACU species	2	x 4 =	8
UPL species	0	x 5 =	0
Column Totals:	132 (A)		268 (B)

Prevalence Index = B/A = 2.03

Hydrophytic Vegetation Indicators:

- X 1 - Rapid Test for Hydrophytic Vegetation
- X 2 - Dominance Test is >50%
- X 3 - Prevalence Index ≤3.0[1]
- ___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
- ___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes X No ___

Remarks: (Explain alternative procedures here or in a separate report.)

SOIL

Sampling Point: 23-W002-3W

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-14	10YR 2/1	98	10YR 4/6	2	C	M	Clay Loam	
14-18	10YR 2/1	95	10YR 4/6	5	C	M	Clay Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

[2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Iron Monosulfide (A18)
- ___ Mesic Spodic (A17) **(MLRA 144A, 145, 149B)**
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Dark Surface (S7)
- ___ Polyvalue Below Surface (S8) **(LRR R, MLRA 149B)**
- ___ Thin Dark Surface (S9) **(LRR R, MLRA 149B)**
- ___ High Chroma Sands (S11) **(LRR K, L)**
- ___ Loamy Mucky Mineral (F1) **(LRR K, L)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- X Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Marl (F10) **(LRR K, L)**
- ___ Red Parent Material (F21) **(MLRA 145)**

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10) **(LRR K, L, MLRA 149B)**
- ___ 5 cm Mucky Peat or Peat (S3) **(LRR K, L, R)**
- ___ Polyvalue Below Surface (S8) **(LRR K, L)**
- ___ Thin Dark Surface (S9) **(LRR K, L)**
- ___ Iron-Manganese Masses (F12) **(LRR K, L, R)**
- ___ Piedmont Floodplain Soils (F19) **(MLRA 149B)**
- ___ Red Parent Material (F21) **(outside MLRA 145)**
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present. unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes X No ___

Remarks:

Appendix D

Photo Documentation



Photo 1
Representative photograph of Wetland 23-W001



Photo 2
Representative photograph of Wetland 23-W001



Photo 3
Representative photograph of adjacent to uplands to Wetland 23-W001



Photo 4
Representative photograph of the palustrine emergent portion of Wetland 23-W002



Photo 5
Representative photograph of the palustrine emergent portion of Wetland 23-W002



Photo 6
Representative photograph of adjacent to uplands to the palustrine emergent portion of Wetland 23-W002



Photo 7
Representative photograph of the palustrine forested portion of Wetland 23-W002



Photo 8
Representative photograph of the palustrine forested portion of Wetland 23-W002



Photo 9
Representative photograph of uplands adjacent to vernal pool 23-VP001



Photo 10
Representative photograph of vernal pool 23-VP001



Photo 11
Representative photograph of vernal pool 23-VP001



Photo 12
Representative photograph of uplands adjacent to vernal pool 23-VP001