



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: NAN-2012-00285-WRY
Issue Date: October 18, 2012
Expiration Date: November 18, 2012

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Sharbell Dutchess, Inc.
One Washington Boulevard, Suite 9
Robbinsville, NJ 08691

ACTIVITY: Discharge of fill material into approximately 0.746-acres of waters of the United States, including wetlands, for the construction of a 122-lot residential subdivision and associated infrastructure.

WATERWAY: Fishkill Creek (Hudson River Watershed)

LOCATION: Town of East Fishkill, Dutchess County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity. Comments provided will become a part of the public record for this action.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2012-00285- WRY

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

In a letter dated January 19, 2010, the New York State Office of Parks, Recreation and Historic Preservation stated that a Data Retrieval Plan had been developed to mitigate any potential adverse impact to historic properties eligible for inclusion in the State and National Registrars of Historic Places. The New York State Office of Parks, Recreation and Historic Preservation has approved the final Phase III report for the proposed work and has stated that no further review of the project by their office would be necessary.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8512 and ask for Stephan A. Ryba.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey>

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

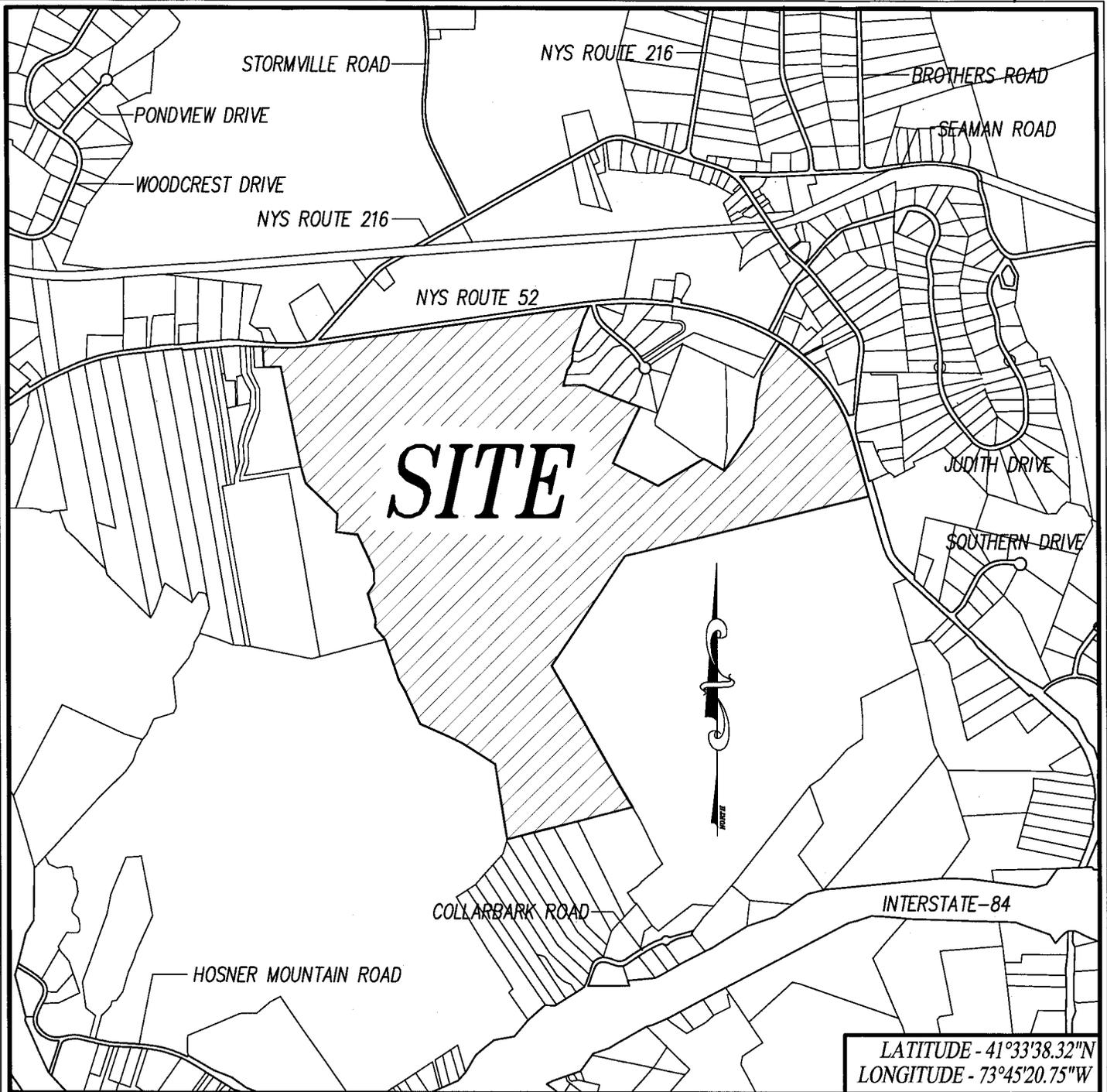
WORK DESCRIPTION

The applicant, Sharbell Dutchess, Inc., has requested Department of the Army authorization for the discharge of fill material into waters of the United States, including wetlands, in association with the construction of a 122-lot residential subdivision to be known as Montage at East Fishkill. The site is located at 2866 Route 52 in the Hopewell Junction, Dutchess County, New York.

The proposed project would involve the discharge of approximately 0.746-acres of fill material associated with the construction of three road crossings. Each of the crossings will utilize bridge structures with adjacent box culverts on each side of the bridge in order to minimize impact on wildlife crossing connectivity.

The applicant proposes a wetland mitigation plan which would include the establishment of approximately 1.0-acre of scrub/shrub and forested wetlands which would be located on site adjacent to the existing wetlands at the entrance of the project site, as shown in the attached drawings.

The stated purpose of this proposed work is to develop a residential subdivision.



LATITUDE - 41°33'38.32"N
 LONGITUDE - 73°45'20.75"W

LOCATION MAP

SCALE: 1" = 800'

M.A. DAY Engineering, PC

Consulting Engineers

3 Van Wyck Lane
 Suite 2
 Wappingers Falls, New York
 (845)-223-3202

PROJECT

Montage at East Fishkill

Town of East Fishkill

Dutchess County, New York

DRAWING

Location Map

SCALE

1" = 800'

DATE

09-13-12

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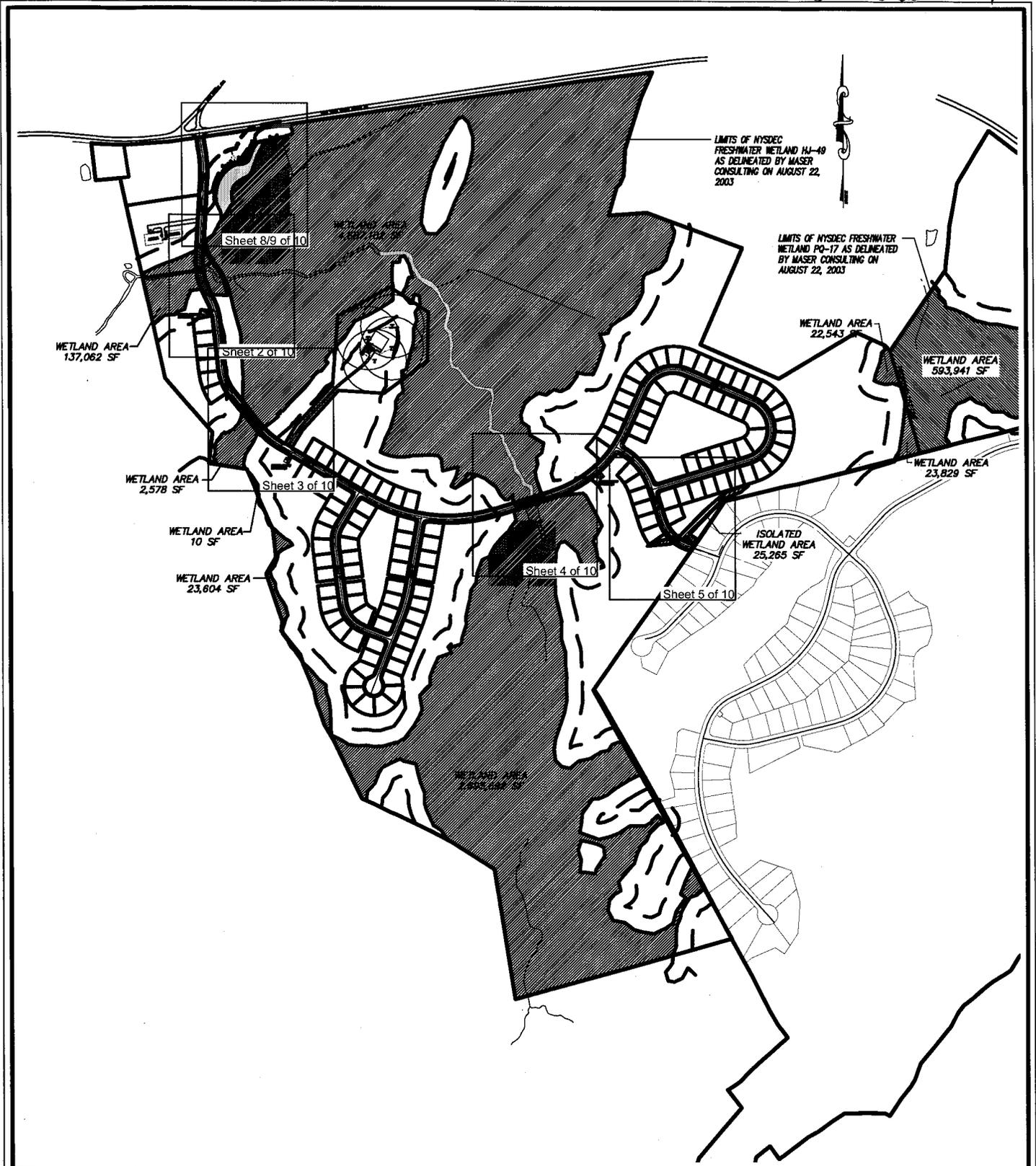
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D.J.L.

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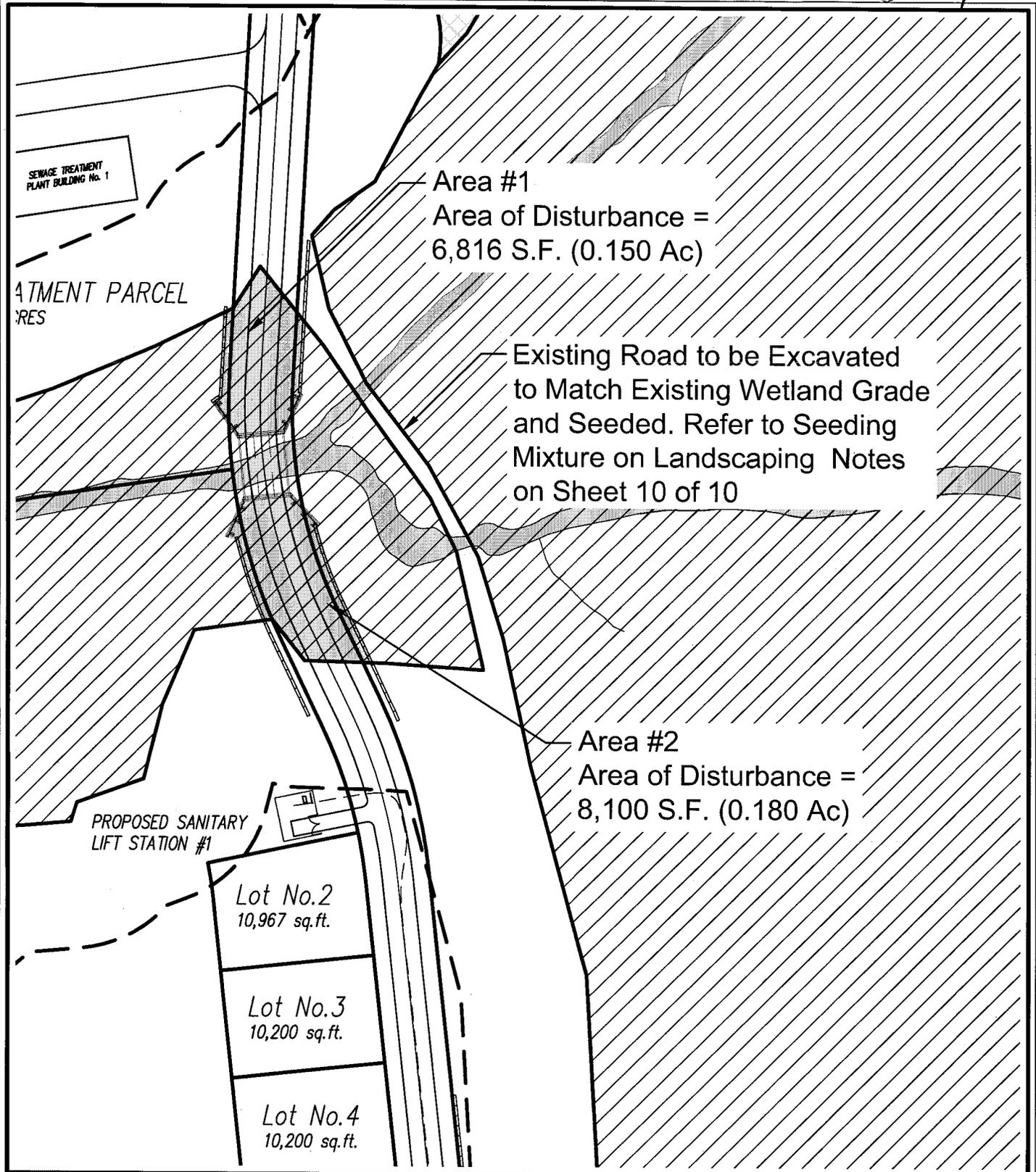
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PROJECT
Montage at East Fishkill
 Town of East Fishkill Dutchess County, New York

DRAWING
**Wetland Disturbance
 & Mitigation Plan**

SCALE
 1" = 800'
 DATE
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PROJECT

Montage at East Fishkill

Town of East Fishkill

Dutchess County, New York

DRAWING

**Wetland Disturbance
& Mitigation Plan**

SCALE

1" = 100'

DRAWN BY

D.J.L.

DATE

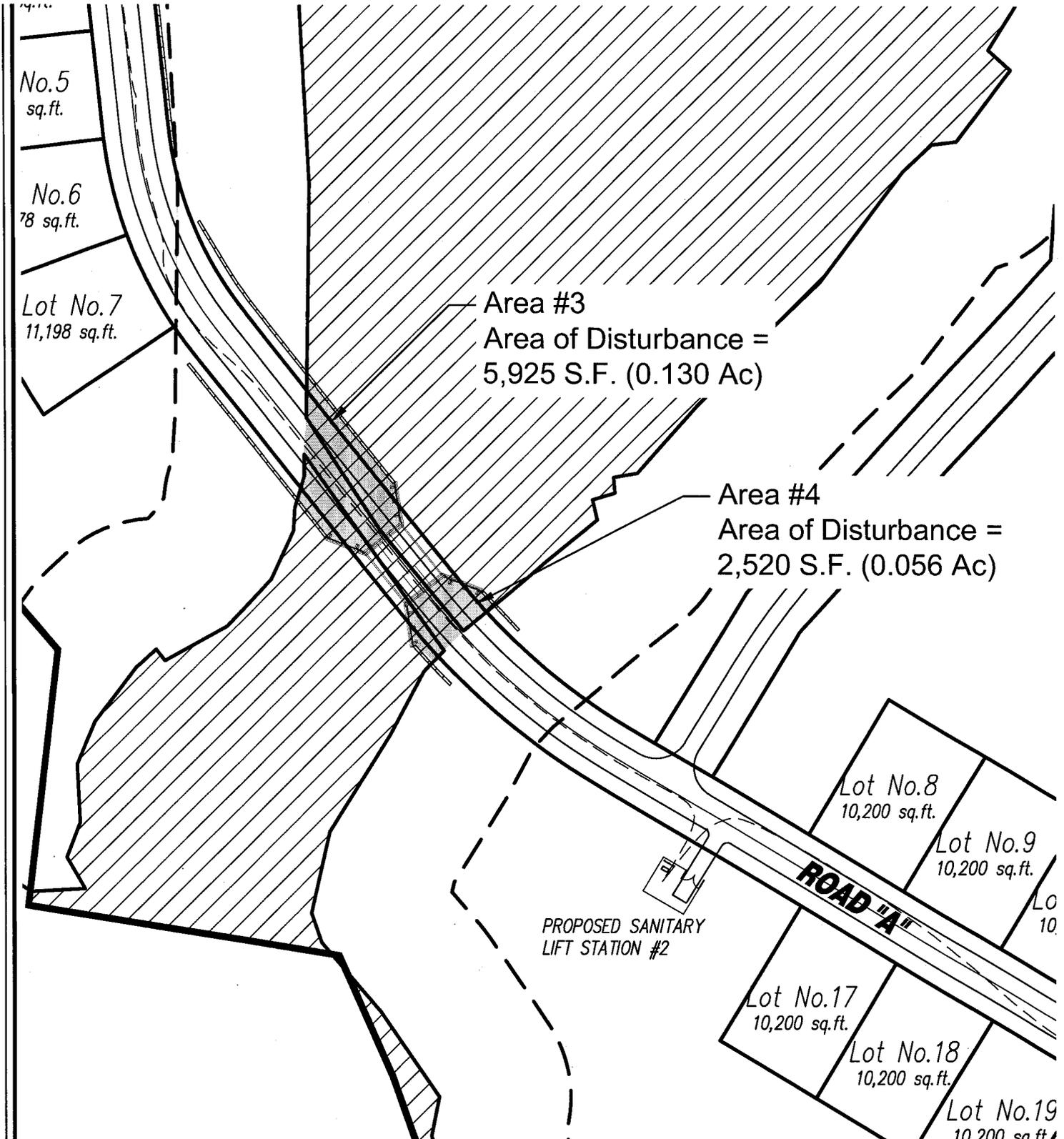
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1" = 100'

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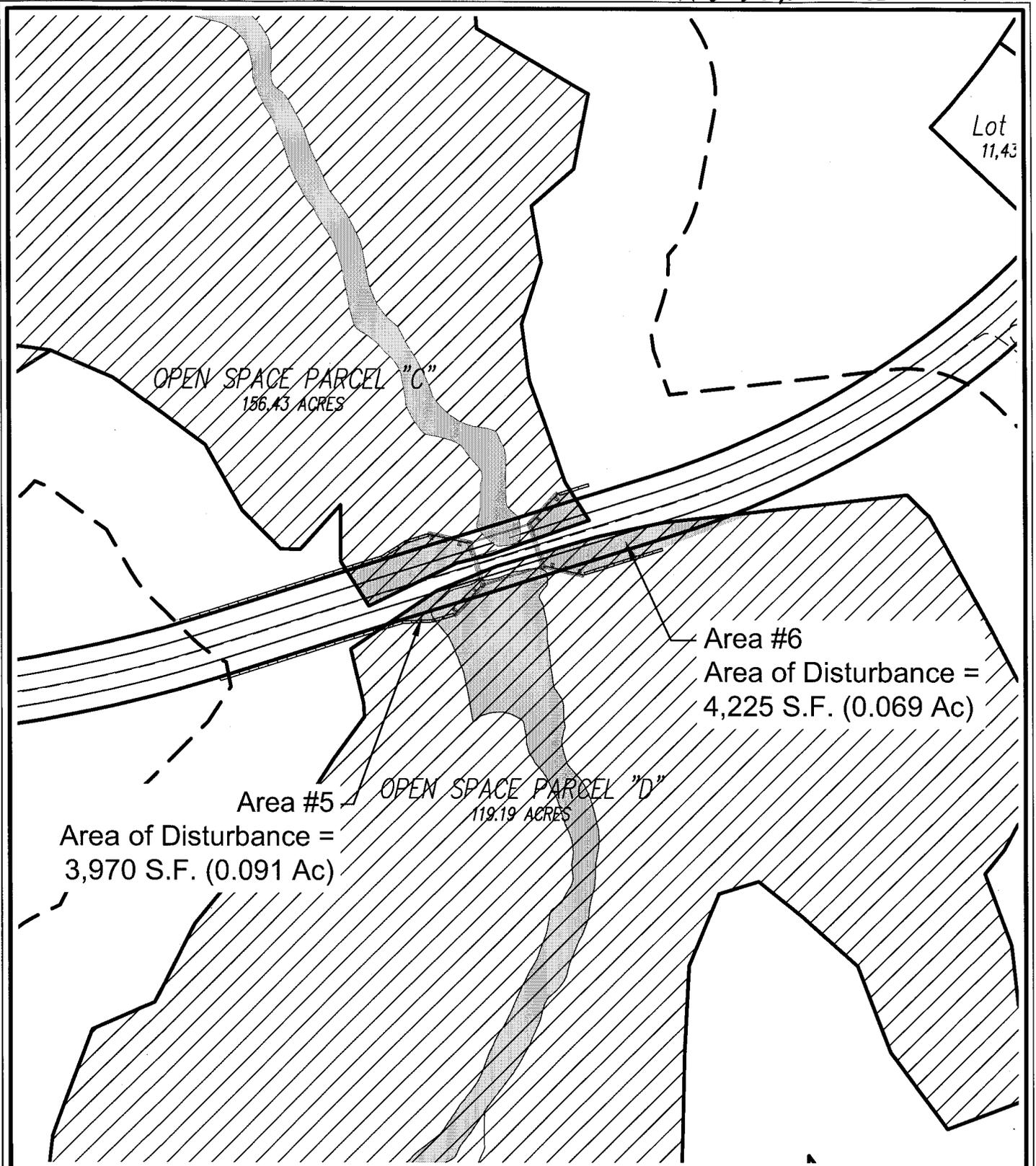
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Lot
11.43

OPEN SPACE PARCEL "C"
156.43 ACRES

Area #6
Area of Disturbance =
4,225 S.F. (0.069 Ac)

Area #5
Area of Disturbance =
3,970 S.F. (0.091 Ac)

OPEN SPACE PARCEL "D"
119.19 ACRES

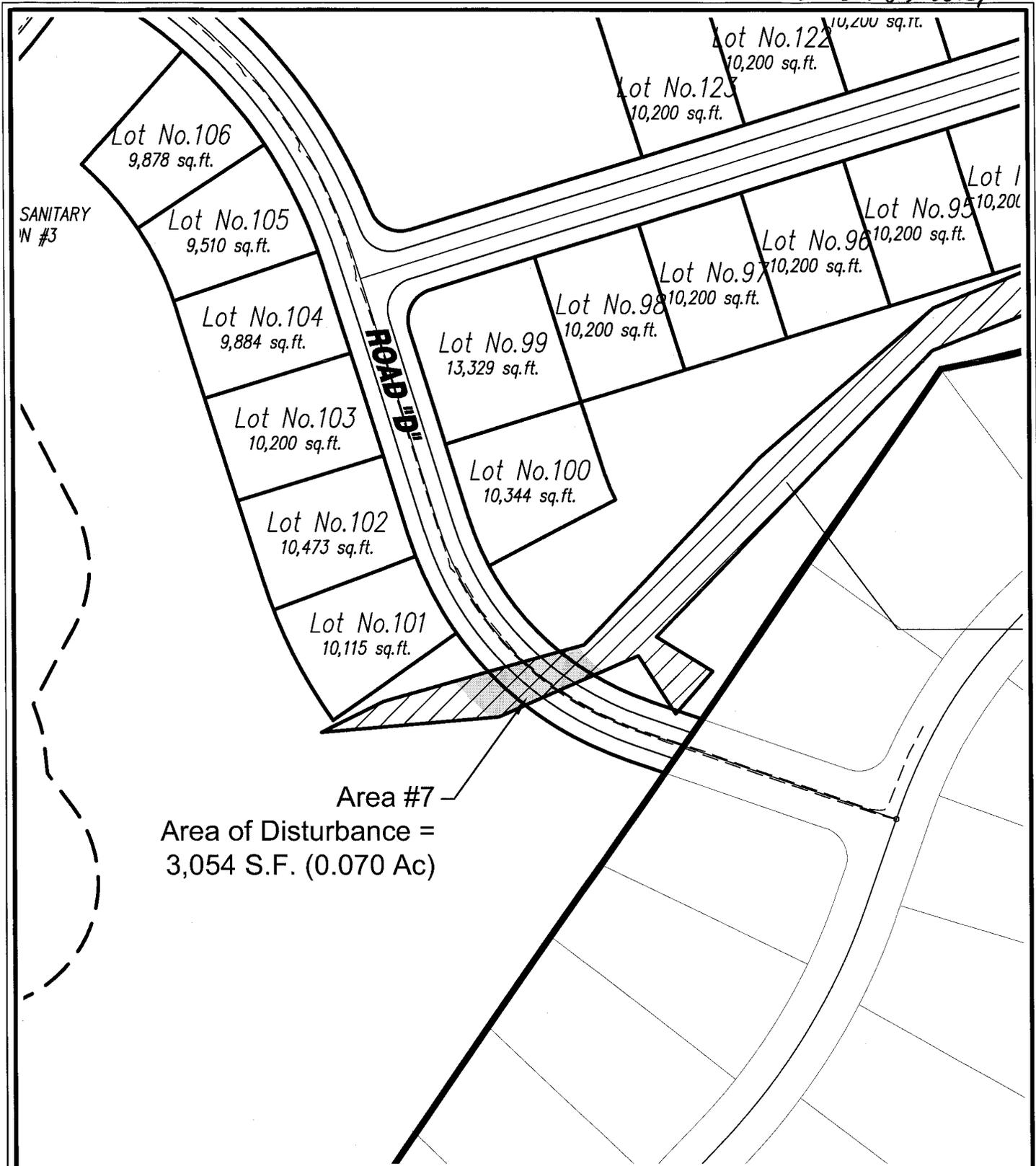
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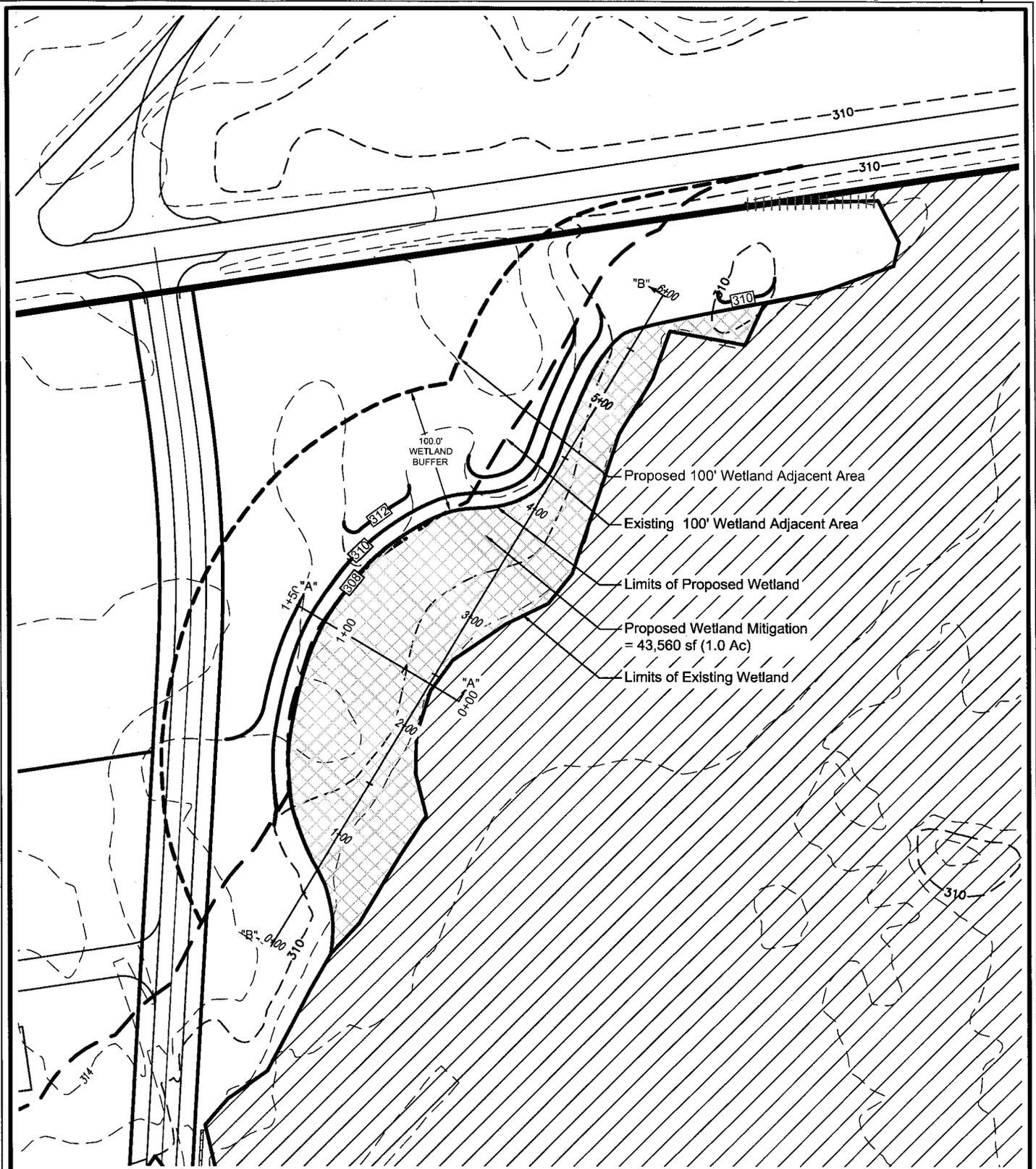
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Area #7
 Area of Disturbance =
 3,054 S.F. (0.070 Ac)

M.A. DAY Engineering, PC Consulting Engineers 3 Van Wyck Lane Suite 2 Wappingers Falls, New York (845)-223-3202	PROJECT Montage at East Fishkill Town of East Fishkill Dutchess County, New York	SCALE 1" = 100'	DRAWN BY D.J.L.
	DRAWING Wetland Disturbance & Mitigation Plan	DATE 09-13-12	CHECKED BY MAD



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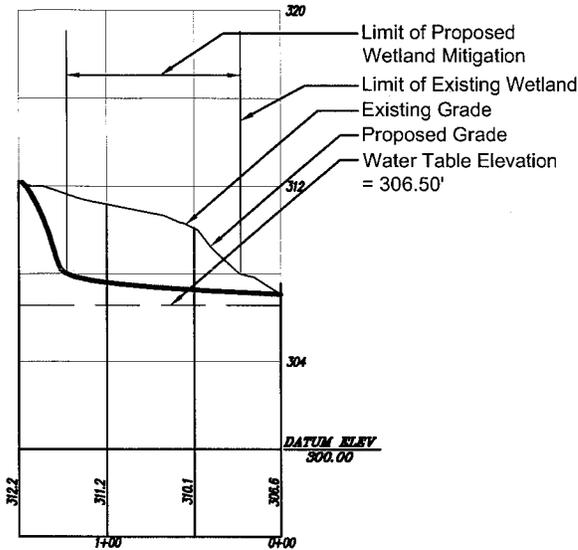
7 of 11

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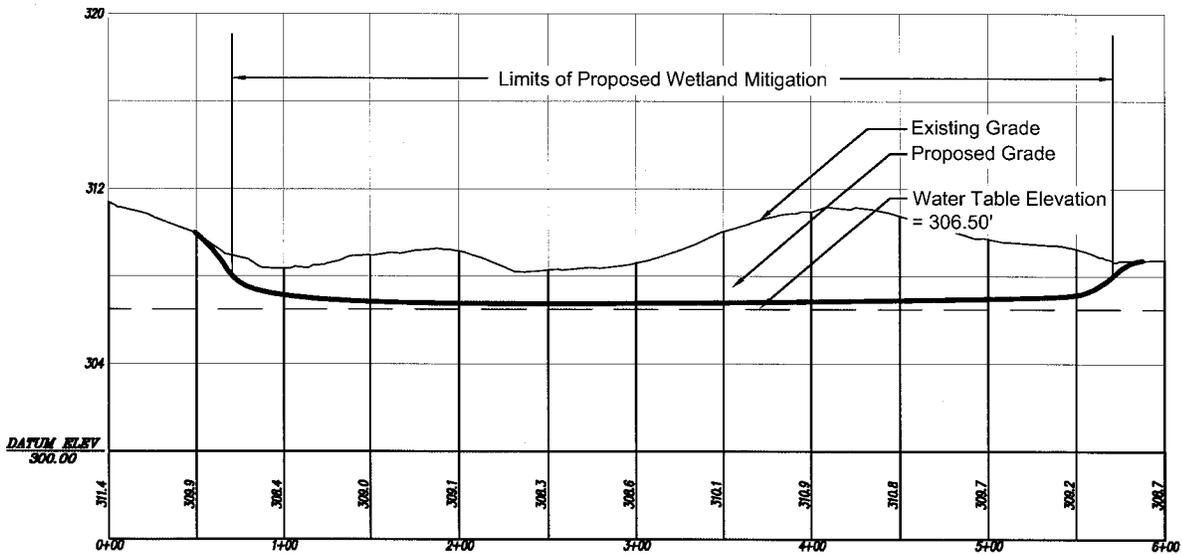
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○ MITIGATION CROSS SECTION "A"
 SCALE: Horizontal 1" = 50' Vertical 1" = 5'



○ MITIGATION CROSS SECTION "B"
 SCALE: Horizontal 1" = 100' Vertical 1" = 10'

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PROJECT

Montage at East Fishkill

Town of East Fishkill

Dutchess County, New York

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*Wetland Disturbance
 & Mitigation Plan*

SCALE

As Noted

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DJL

DATE

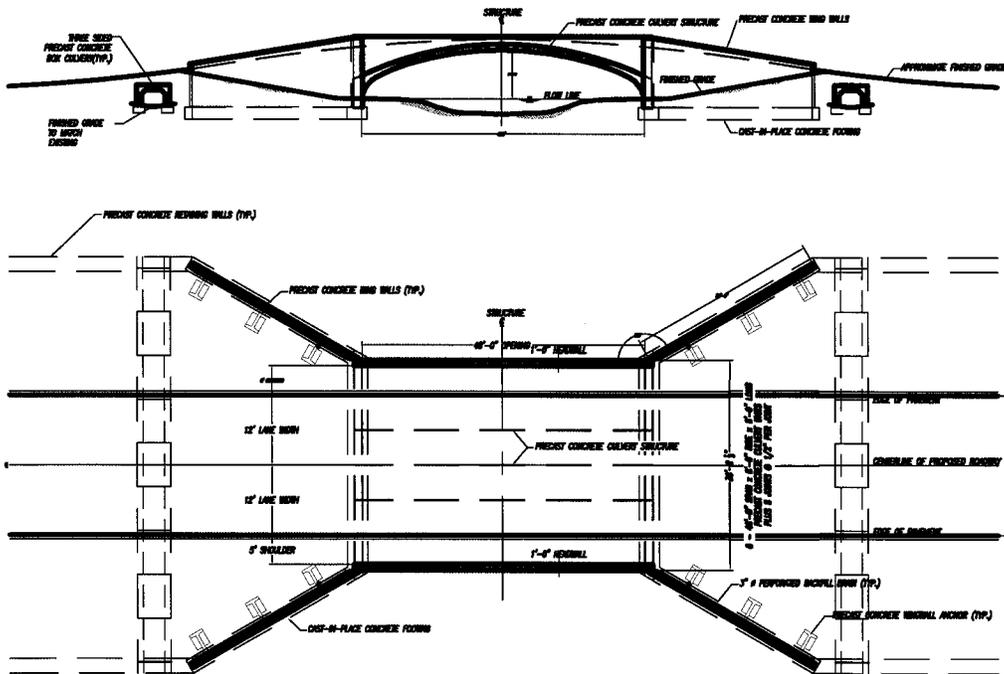
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*Wetland Disturbance
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SCALE

1" = 30'

DATE

09-13-12

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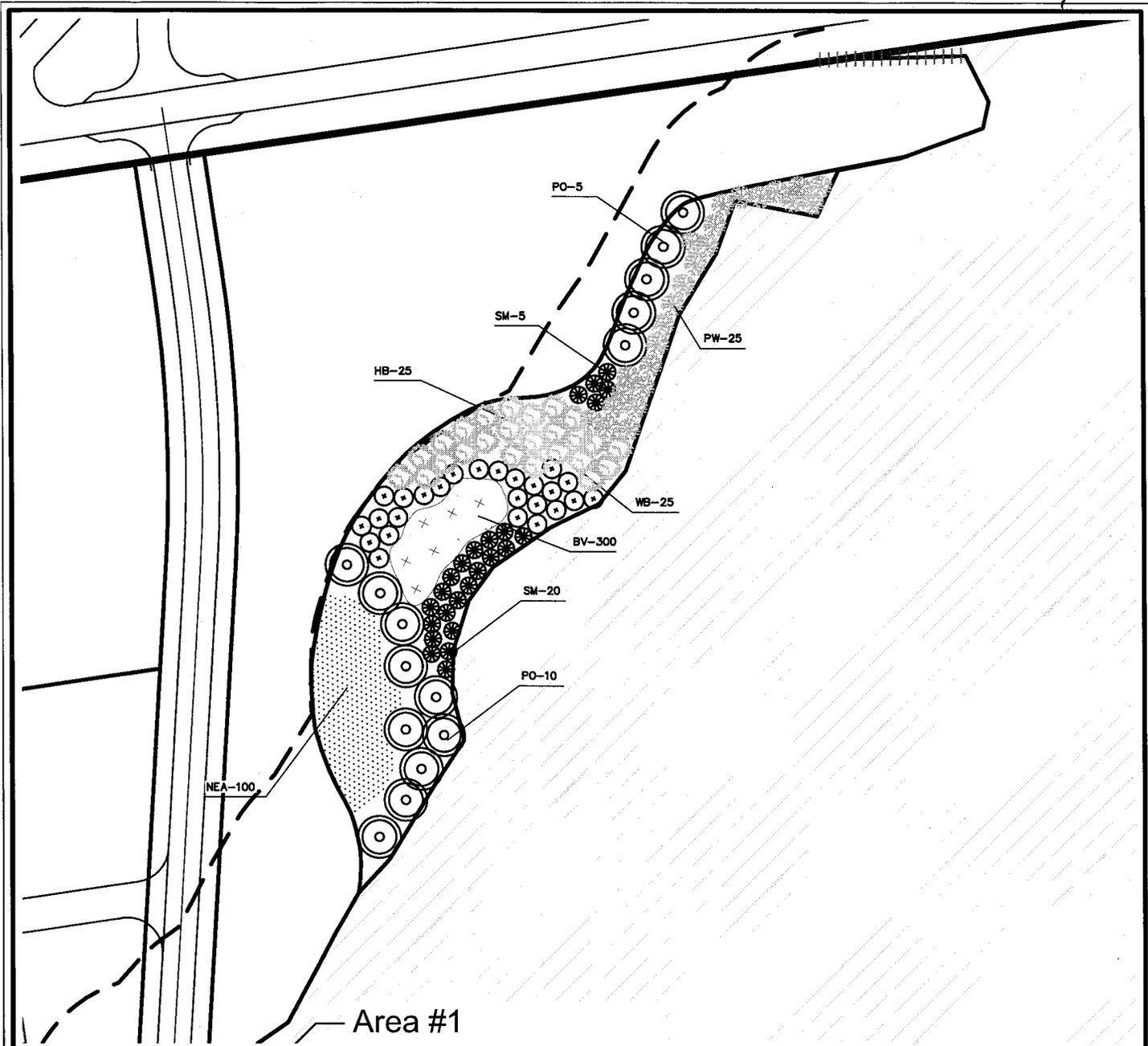
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Area #1

PLANTING SCHEDULE

	SYM.	BOTANICAL NAME	COMMON NAME	COND.	SIZE	SPACING	QTY
TREES	SM	ACER SACCHERINUM	SILVERMAPLE	BrTr	3-4' HT	10'-0" O.C.	25
	PO	QUERCUS PALUSTRIS	PIN OAK	BrTr	3-4' HT	10'-0" O.C.	15
SHRUBS	NEA	ASTER NOVAE-ANGLIAE	NEWENGLAND ASTER	Flats	15'-18" HT	4'-0" O.C.	100
	PW	SALIX DISCOLOR	PUSSY WILLOW	BrTr	2-3' HT	10'-0" O.C.	25
	WB	ILEX VERTICILLATA	WINTERBERRY	BrTr	2-3' HT	5'-0" O.C.	25
	HB	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY	BrTr	2-3' HT	5'-0" O.C.	25
	BV	VERBERA HASTATA	BLUE VERVAIN	Flats	15'-18" HT	4'-0" O.C.	300

PLANTING LEGEND

- Highbush Blueberry Shrub
- Silvermaple Tree
- Winterberry Shrub
- Pin Oak Tree
- Pussy Willow Shrub
- Blue Vervain
- New England Aster

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LANDSCAPING NOTES:

1. QUALITY ASSURANCE
 - 1.1. NOMENCLATURE: PLANT NAMES SHALL CONFORM TO THE LATEST EDITION OF "STANDARDIZED PLANT NAMES" AS ADOPTED BY THE AMERICAN JOINT COMMITTEE ON HORTICULTURAL NOMENCLATURE.
 - 1.2. SIZE AND GRADING: PLANT SIZES AND GRADING SHALL CONFORM TO THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK" AS SPONSORED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC. (AAN), UNLESS OTHERWISE SPECIFIED.
 - 1.3. NURSERY SOURCE: OBTAIN FRESHLY DUG, HEALTHY, VIGOROUS, PLANTS NURSERY GROWN UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT FOR A MINIMUM OF 2 YEARS. PLANTS SHALL HAVE BEEN LINED OUT IN ROWS, ANNUALLY CULTIVATED, SPRAYED, PRUNED, AND FERTILIZED IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICE. ALL PLANTS SHALL HAVE BEEN TRANS PLANTED OR ROOT PRUNED AT LEAST ONCE IN THE PAST 3 YEARS. BALLED AND BURLAPPED PLANTS MUST COME FROM SOIL WHICH WILL HOLD A FIRM ROOT BALL. HEELED IN PLANTS AND PLANTS FROM COLD STORAGE ARE NOT ACCEPTABLE.
 - 1.4. SUBSTITUTIONS: DO NOT MAKE SUBSTITUTIONS OF TREES AND/OR SHRUB MATERIALS. IF REQUIRED LANDSCAPE MATERIAL IS NOT OBTAIN- ABLE, SUBMIT PROOF OF NON-AVAILABILITY AND PROPOSAL FOR USE OF EQUIVALENT MATERIAL. WHEN AUTHORIZED, ADJUSTMENTS OF CON- TRACT AMOUNT (IF ANY) WILL BE MADE BY CHANGE ORDER.
2. SEEDING & PLANTING SEASONS AND TIMING CONDITIONS:
 - 2.1. UNLESS OTHERWISE DIRECTED IN WRITING, SEED FROM MARCH 15 TO MAY 15, AND FROM AUGUST 15 TO OCTOBER 15.
 - 2.2. UNLESS OTHERWISE DIRECTED IN WRITING THE PLANTING OF TREES AND SHRUBS SHALL BE FROM MARCH 15 TO JUNE 1, AND FROM SEPTEMBER 1 TO NOVEMBER 15.
 - 2.3. PROCEED WITH AND COMPLETE SEEDING WORK AS RAPIDLY AS PORTIONS OF THE SITE BECOME AVAILABLE, WORKING WITHIN THE SEASONAL LIMITATIONS FOR EACH KIND OF LANDSCAPE WORK
 - 2.4. PROVIDE TEMPORARY ANNUAL RYEGRASS COVER FOR SEEDING OUTSIDE PERMITTED SEEDING PERIODS.
3. PRODUCTS:
 - 3.1. TOPSOIL : THE TOP 6" - 12" OF ROOTSTOCK MATERIAL WILL BE TAKEN FROM WETLAND DISTURBANCE AREAS AND PLACED AS BEDDING MATERIAL IN THE PROPOSED WETLAND MITIGATION AREA. IF ADDITIONAL TOPSOIL IS NEEDED USE IMPORTED TOPSOIL AS NOTED BELOW
 - 3.2. IMPORTED TOPSOIL: PLACE TOPSOIL 6" TO 8" THICK CONFORMING TO THE FOLLOWING:
 - 3.2.1. ORIGINAL LOAM TOPSOIL, WELL DRAINED HOMOGENOUS TEXTURE AND OF UNIFORM GRADE, WITHOUT THE ADMIXTURE OF SUBSOIL MATERIAL AND FREE OF DENSE MATERIAL, HARDPAN, CLAY, STONES, SOD OR OTHER OBJECTIONABLE FOREIGN MATERIAL.
 - 3.2.2. CONTAINING NOT LESS THAN 5% NOR MORE THAN 20% ORGANIC MATTER IN THAT PORTION OF A SAMPLE PASSING A 1/4" SIEVE WHEN DETERMINED BY THE WET COMBUSTION METHOD ON A SAMPLE DRIED AT 105° C.
 - 3.2.3. CONTAINING A pH VALUE WITHIN THE RANGE OF 6.5 TO 7.5 ON THAT PORTION OF THE SAMPLE WHICH PASSES A 1/4" SIEVE.
 - 3.2.4. CONTAINING THE FOLLOWING WASHED GRADATIONS:

SIEVE DESIGNATION	% PASSING
1"	100
1/4"	97 - 100
NO. 200	20 - 65 (OF THE 1/4" SIEVE)

4. SEED MIXTURE: SUPPLEMENTAL WETLAND SEED MIX IS TO BE APPLIED TO ALL MITIGATION AREA AT 4 POUNDS OF SEED PER ACRE AND CONSIST OF THE FOLLOWING:

NORTHEAST WETLAND DIVERSITY SEED MIX

% BY WT.	SPECIES	VARIETY
26.66%	EUPATORIUM PERFOLIATUM	BONESET
20.80%	VERBENA HASTATA	BLUE VERVAIN PANICUM
19.75%	DICHOTOMIFLORUM	SMOOTH PANIC-GRASS
8.89%	SOLIDAGO RUGOSA	WRINKLED GOLDENROD JOE
8.74%	EUPATORIUM MACULATUM	JOE PYE WEED
6.65%	EUTHAMIA GRAMINIFOLIA	GRASS LEAF GOLDENROD
4.59%	POLYGONUM PENNSYLVANICUM	PENNSYLVANIA SMARTWEED
2.80%	ASTER NOVAE-ANGLIAE	NEW ENGLAND ASTER
0.79%	BIDENS CERNUA	NODDING BEGGAR'S TICK
0.21%	ASCLEPIAS INCARNATA	SWAMP MILKWEED
0.12%	IRIS VERSICOLOR	BLUE FLAG

5. LIME: NATURAL LIMESTONE CONTAINING AT LEAST 85% OF TOTAL CARBONATES, GROUND TO SUCH FINENESS THAT AT LEAST 90% PASSES A 10-MESH SIEVE AND AT LEAST 50% PASSES A 100- MESH SIEVE.
6. FERTILIZER:
 - 6.1. FOR SPRING SEEDING: COMMERCIAL STARTER FERTILIZER, GRANULAR, NONBURNING PRODUCT CONTAINING 10% NITROGEN, 6% AVAILABLE PHOSPHORUS, AND 4% WATER SOLUBLE POTASH (10-6-4).
 - 6.2. FOR FALL SEEDING: COMMERCIAL STARTER FERTILIZER, GRANULAR, NONBURNING PRODUCT, CONTAINING 5% NITROGEN, 10% AVAILABLE PHOSPHORUS, AND 5% WATER SOLUBLE POTASH (5-10-5).
 - 6.3. FOR FINAL FERTILIZING: IF APPLIED IN SPRING SEASON, SHALL BE A SLOW RELEASE COMMERCIAL FERTILIZER, GRANULAR, WITH HIGH NITROGEN, 38%, URAMITE OR APPROVED EQUAL. IF APPLIED IN FALL SEASON, SHALL BE AS SPECIFIED IN (3.D.2) ABOVE.
7. TREES AND SHRUBS:
 - 7.1. PLANTING SOIL MIXTURE: SHALL BE PREMIXED IN BULK, AND CONTAIN THE FOLLOWING BY VOLUME:
 - 20 PARTS TOPSOIL
 - 10 PARTS PEAT MOSS
 - 1 PART BONE MEAL
 - 7.2. PEAT MOSS: BROWN TO BLACK IN COLOR, WEED AND SEED FREE, DRIED SPHAGNUM PEAT MOSS, CONTAINING NOT MORE THAN 9% MINERAL ON A DRY BASIS AND CONFORMING TO NYSDOT 713-20.
 - 7.3. BONE MEAL: FINELY GROUND, RAW, MINIMUM 4% NITROGEN AND 20% PHOSPHORIC ACID. IT SHALL BE DELIVERED IN SEALED BAGS SHOWING THE MANUFACTURER'S GUARANTEED ANALYSIS.
 - 7.4. STAKES: 8 FT LONG, 2 IN WIDE WOOD STAKES.
 - 7.5. HOSE: NEW, 2-PLY GARDEN HOSE NOT LESS THAN 1/2 INCH IN DIAMETER.
 - 7.6. MULCH: GROUND OR SHREDDED BARK, MEDIUM SIZE FROM HARD- WOOD TREES. NO PIECES OVER 2 INCHES GREATEST DIMENSION. FREE FROM SAWDUST, STONES, DEBRIS, AND DELETERIOUS MAT- ERIALS. STANDARD OF QUALITY SHALL BE MANUFACTURED BY HYDE PARK PRODUCTS CO., OF NEW ROCHELLE, NEW YORK. OR APPROVED EQUAL.
 - 7.7. PROVIDE COMPLETE COMMERCIAL FERTILIZER, OF NEUTRAL CHARACTER, WITH SOME ELEMENTS DERIVED FROM ORGANIC SOURCES, CONTAINING AT LEAST 10% AVAILABLE PHOSPHORIC ACID, 3% TO 5% TOTAL NITROGEN, AND 3% TO 5% SOLUBLE POTASH.

HYDROLOGY OF THE MITIGATION AREAS

SOIL LAYERS IN THE MITIGATION AREA WERE EXAMINED TO PREDICT THE WATER LEVELS AVAILABLE FOR THE PROPOSED WETLAND PLANTS. TEST PITS WERE DUG DURING THE SITE INVESTIGATION WITHIN THE MITIGATION AREA DURING AUGUST AND SEPTEMBER 2011. THE RESULTS OF THESE TEST PITS GENERALLY CONFIRMED THE SOIL STRATIFICATION SUGGESTED IN THE DUTCHESS COUNTY SOIL SURVEY. THE FIELD INVESTIGATION REVEALED THAT ORGANIC MATTER APPROXIMATELY 8 INCHES DEEP EXISTS WITHIN THE MITIGATION AREA. BENEATH THIS LAYER EXISTS A (2' - 8') LAYER OF CLAY AND OR IN SOME LOCATIONS, SILTY CLAY. THIS IMPERMEABLE LAYER ALSO CONTAINS TILL. GROUNDWATER WAS OBSERVED IN THE TEST PITS. THE SOILS CONSIST OF MODERATELY DRAINED SILT LOAMS AND ARE SEASONALLY SATURATED EACH YEAR.

BECAUSE OF THE MODERATELY SLOW OR SLOWLY PERMEABLE FRAGIPAN, THESE SOILS ARE WET EARLY IN SPRING AND AFTER HEAVY RAINS. THEY OFTEN REMAIN WET UNTIL LATE IN SPRING AND ARE OCCASIONALLY WET IN FALL. SOME AREAS ALSO RECEIVE SEEPAGE FROM NEARBY SLOPES. IT IS ANTICIPATED THAT SURFACE AND GROUNDWATER WILL COLLECT IN THE MITIGATION AREA IN SUFFICIENT AMOUNTS TO SUPPORT WETLAND VEGETATION.

THE EXISTING WETLAND AND INTER-CONNECTING STREAM WILL SERVE AS A "REGENERATION NUCLEUS" FROM WHICH VEGETATIVE COVER CAN EXPAND RADIALLY BY VEGETATIVE REPRODUCTION INTO THE PROPOSED MITIGATION AREA. SINCE DIFFERENT PLANT SPECIES WITHIN THE SAME WETLAND MAY OFTEN EXHIBIT A WIDE RANGE OF MOISTURE REQUIREMENTS AND FLOODING TOLERANCES, THE PROPOSED ELEVATIONAL RANGES WILL PROVIDE A MICRO-TOPOGRAPHIC MOISTURE GRADIENT CONDUCIVE TO A HIGH SPECIES DIVERSITY.

SOIL PREPARATIONS AND VEGETATIVE ESTABLISHMENT

TEST PITS CONFIRM THE PRESENCE OF MINERAL SOIL HORIZONS AT VARYING DEPTHS IN THE MITIGATION AREA, SO THAT THE EXISTING SOIL FERTILITY IS EXPECTED TO BE ADEQUATE FOR THE ESTABLISHMENT AND GROWTH OF WETLAND PLANTINGS AND SEED. ADDITIONAL SOIL AMENDMENTS ARE NOT EXPECTED TO BE REQUIRED, SINCE THE PROPOSED VEGETATIVE COVER TYPES WILL THRIVE IN A WIDE RANGE OF SOIL CONDITIONS, WITH PH VALUES FROM SLIGHTLY ACIDIC TO NEUTRAL. BASELINE SOIL ANALYSIS FOR THE MITIGATION AREA AND ADJACENT WETLAND, HOWEVER WILL BE INDISPENSABLE IN THE MONITORING AND ASSESSMENT PHASE OF THE RELATIVE SUCCESS OR FAILURE OF THE MITIGATION EFFORT.

THE COMBINATION OF FORESTED WETLAND WITH EMERGENT AND SCRUB/SHRUB WETLAND MITIGATION AREA IS EXPECTED TO ENSURE VEGETATIVE ESTABLISHMENT AND LONG-TERM SURVIVAL, EVEN UNDER SUMMER CONDITIONS. THE DESIGN OF THIS SYSTEM WILL MAXIMIZE SURFACE WATER AVAILABILITY TO BOTH WETLAND PLANTINGS, AND AREA TO BE SEEDED WITH HERBACEOUS WETLAND SPECIES.

THE FINISHED GRADES OF THE MITIGATION AREA WILL CREATE AN INCREASING MOISTURE GRADIENT FROM THE EXISTING UPLANDS THROUGH THE MITIGATION AREA THAT WILL IMPROVE CHANCES FOR ESTABLISHMENT OF A DIVERSE WETLAND COMMUNITY. THESE FINISHED GRADES ALSO WILL MAKE USE OF SEASONAL FLUCTUATIONS IN SURFACE WATER ELEVATIONS, WHICH ARE WIDELY RECOGNIZED AS CRUCIAL TO SEED GERMINATION WETLAND PLANT SPECIES.

THE REMAINDER OF THE TERRAIN WILL BE SEEDED WITH A MIXTURE OF HERBACEOUS, WET MEADOW SPECIES IN ORDER TO STABILIZE SOILS AND ESTABLISH A PERENNIAL WETLAND VEGETATIVE COMMUNITY.

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 3 Van Wyck Lane
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PROJECT <h1>Montage at East Fishkill</h1> Town of East Fishkill Dutchess County, New York	SCALE 1" = 100'	DRAWN BY D.J.L.
	DATE 09-13-12	CHECKED BY MAD
DRAWING <h2>Wetland Disturbance & Mitigation Plan</h2>	DRAWING No. <h1>11 of 11</h1>	