



REPLY TO
ATTENTION OF

CELRD-ET-CO

DEPARTMENT OF THE ARMY

U.S. ARMY ENGINEER DIVISION, GREAT LAKES AND OHIO RIVER
CORPS OF ENGINEERS
P. O. BOX 1159
CINCINNATI, OHIO 45201-1159

MAR 8 2000

Mr. Anthony Guidone
Guidone Farms
67 Canal Street
Port Byron, New York 13140

Dear Mr. Guidone:

Lieutenant Colonel Mark Feierstein, Buffalo District Commander, forwarded a copy of your Request for Appeal (RFA) documentation dated December 26, 1999. Appeal requests for the Buffalo District are reviewed at the Great Lakes and Ohio River Division office.

Your appeal states that you disagree with the jurisdictional determination including the delineation of the wetland made by the Buffalo District. Your appeal has been considered and the files were reviewed. Your appeal challenging the wetland determination has been determined to have no merit. The district's field review and wetland determination documents in the file indicate the area is a wetland. Also, your proposal to build extensive drainage structures indicates that you must control the hydrology very carefully which also implies the area is a wetland. No indication was found in the file that you contested the wetland determination except one remark in which you questioned the hydrology in one small area.

In your letter you also indicate that you wish to present a wetland delineation made by your own experts, which must wait for the coming growing season. My decision on this appeal does not prevent you from presenting new wetland delineation information from your experts to the Buffalo District for evaluation. If you are not satisfied with the Corps wetland jurisdiction at that time, you may appeal the new jurisdictional determination.

You may also wish to reapply for a permit and work with the district to develop a plan that may be approved.

I have enclosed an article entitled "Methods to Determine the Hydrology of Potential Wetland Sites" which you and/or your consultant may find helpful. You should ensure that the wetland delineation is in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual and associated supplemental guidance issued on October 7, 1991, and March 6, 1992. Please note that should the drought conditions of last summer continue through the winter and spring, a wetland delineation will be more difficult because of "abnormal circumstances" for the hydrology criterion.

Questions pertaining to this letter can be directed to Mr. Rodney Woods, Appeal Review Officer for this case, at the above address or by calling 513-684-6212.

Sincerely,



Robert H. Griffin
Brigadier General, U.S. Army
Division Engineer

Encl

Copy furnished w/ encl:
Commander, Buffalo District

Ms. Sandra Doran
Buffalo District, Corps of Engineers
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