

## Freshwater Wetlands Determination

NAME <b>James Pippen</b>	WETLAND ID# <b>As delineated by H&amp;A, Xerox Property Tax ID 065.02-1-40.111</b>	DATE INVESTIGATION CONDUCTED <b>8/7/2025</b>
ORGANIZATION <b>Haley &amp; Aldrich</b>	WETLAND LOCATION TOWN: <b>Webster</b>	COUNTY: <b>Monroe</b>
STREET ADDRESS <b>260 E. Main Street, suite 2100</b>		
CITY - VILLAGE - TOWN <b>Rochester</b>		STATE <b>NY</b> ZIP CODE <b>1464</b>
RE: Wetlands KLA, KLB, and KLC Xerox Property Tax ID 065.02-1-40.111		

This letter is in response to your inquiry regarding the applicability of Article 24 (Freshwater Wetland Act) regulations to the parcel of land in question. An investigation was conducted and, based on this determination, the Department of Environmental Conservation finds that the statements checked below apply to the subject property:

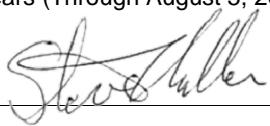
- A regulated Freshwater Wetland is located on or within 100 feet of this property, and regulated activities in the wetland or within the 100-foot adjacent area are subject to permit requirements.
- No regulated Freshwater Wetland is currently mapped on or within 100 feet of this property. Therefore, no New York Environmental Conservation Law Article 24 Freshwater Wetland permit is required at this time.
- The project, as described, is within 100 feet of a regulated wetland, and a wetland permit will be required prior to the commencement of the proposed project. Information about Freshwater Wetlands and regulated activities can be found on the Department's Freshwater Wetlands web page: <http://www.dec.ny.gov/lands/4937.html>
- The property contains a regulated wetland and/or is within 100 feet of a wetland boundary, but the described project is located outside the regulated area and will not require a wetland permit.
- Please contact the **U.S. Army Corps of Engineers (Buffalo office)** at **716-879-4330** regarding any federally protected wetlands in the vicinity. <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>
- The boundary of the regulated wetland located on this property has been precisely delineated as follows:

This determination is to confirm the Wetland delineation submitted by Kim Lodge and James Pippin of Haley & Aldrich. The Lodge & Pippen study identifies 3 wetlands all within three wetlands (KLA, KLB, and KLC). BEH staff has completed a "desktop" evaluation of the proposed project area and determined that all three wetlands are within 50M of each other. The total acreage of the three delineated wetlands is 4.1ac. The wetland outside of the study area does not appear to be greater than 3ac for a total wetland acreage of approximately 7±ac.

The parcel Jurisdiction Determination for parcel - 065.02-1-40.111 indicate that there are regulated wetlands of unusual importance (Urban are) on the parcel. Regional staff has determined that the wetlands within the study/ project area are not within an urban area and all wetlands combined are less than 12.4 acers.

As the wetland are not 12.4ac in size and do not meet the unusual importance criteria it has been determine that the Department does not have Article 24 Freshwater Wetlands Jurisdiction of the wetlands identified as KLA, KLB, and KLC. This determination is valid for a period of 5 years (Through August 5, 2030).

SIGNED:



08/07/2025

TITLE: **Biologist 2, R8 Manger BEH**

Department wetland field delineations remain in effect for a period of five years, after which they are subject to revision at the Department's discretion, due to changing site conditions. Measurements of the 100-foot adjacent area are done *horizontally* upland from the wetland boundary, not along the ground surface. Identification of the adjacent-area boundary, if done, is the responsibility of the landowner or project sponsor.





**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS BUFFALO DISTRICT  
478 MAIN STREET  
BUFFALO, NY 14202-3278

July 10, 2025

Regulatory Branch

**SUBJECT:** Transmittal Department of the Army No. LRB-2025-00319, Nationwide Permit No. 51 as Published in the Federal Register, Volume 86, No. 8 on Jan. 13, 2021.

TM Montante Solar Development, LLC  
Katie Soscia  
2760 Kenmore Ave  
Tonawanda, NY 14150

Dear Ms. Soscia:

This pertains to your application for a Department of the Army permit to discharge fill material (3 ft. x .2 ft. x 2 ft. tall, geoballasts) into 0.03 acre of federally regulated wetlands and 0.01 acre of federally regulated ditches for the construction of a solar PV system on a 20 acre parcel located at 139 Caracas Drive in the Town of Webster, Monroe County New York. See Sheets 1-5 of 5 attached.

I have evaluated the impacts associated with your proposal, and have concluded that they are authorized by the enclosed Nationwide Permit (NWP) provided that the attached conditions are satisfied.

Verification of the applicability of this NWP is valid until March 14, 2026 unless the NWP is modified, suspended, revoked, or the activity complies with any subsequent permit modification. Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this NWP expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

It is your responsibility to remain informed of changes to the NWP program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: <http://www.lrb.usace.army.mil/Missions/Regulatory.aspx>. Finally, note that if your activity is not undertaken within the defined period or the project specifications have changed, you must immediately notify this office to determine the need for further approval or reverification.

Your initiation of work as authorized by the enclosed NWP acknowledges your acceptance of the general and special conditions contained therein. This affirmation is limited to the

Regulatory Branch

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attached NWP and associated WQC, and does not obviate the need to obtain any other project specific Federal, state, or local authorization. Specifically, you may need to obtain Article 15 (Protection of Water), Article 24 (Freshwater Wetland), and/or Article 34 (Coastal Erosion Management) authorization from the New York State DEC.

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

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

I have enclosed the preliminary JD Form with this letter. The form and attached table identify the extent of aquatic resources on the site and specific terms and conditions of the preliminary JD. Please sign and return a copy of this form to my attention so that I may complete my evaluation of your file. If you do not respond within 15 days, I will presume concurrence and no additional follow-up is necessary prior to finalizing this action.

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expirations dates." However, I strongly recommend that the boundaries of all aquatic resources on the parcel be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Lastly, the delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

Regulatory Branch

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Questions pertaining to this matter should be directed to me at (716) 879-4121 by writing to the following address: U.S. Army Corps of Engineers Regulatory Branch 478 Main Street Buffalo NY 14202 or by e-mail at: Ernest.A.Francisco@usace.army.mil.

Sincerely,

*Andy Francisco*

Andy Francisco  
Biologist

Enclosures

cc: Thomas Robitaille, Haley & Aldrich of New York Engineering and Geology, LLP

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

For use of this form, see Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and Section 103 of the Marine Protection, Research, and Sanctuaries Act; the proponent agency is CECW-COR.

**Form Approved -  
OMB No. 0710-0003  
Expires 2027-10-31**

**DATA REQUIRED BY THE PRIVACY ACT OF 1974**

<b>Authority</b>	The authorities for requesting this information are Sections 9, 10, 13, and 14, Rivers and Harbors Act of March 3, 1899; Section 404, Clean Water Act; and Section 103 Marine Protection Research and Sanctuaries Act of 1972.
<b>Principal Purpose</b>	This information serves as notification to affected parties regarding the USACE administrative appeal options and process, as well as to facilitate requests for appeal of USACE decisions with which they disagree.
<b>Routine Uses</b>	Routine uses will include: (a) To serve as notification to affected parties of the Corps administrative appeal options and process and to facilitate requests for appeal of Corps decisions with which they disagree. (b) Records may be referred to the Department of Justice for possible criminal prosecution. (c) Records may be referred to other Federal, State, and local agencies for evaluation and enforcement purposes.
<b>Disclosure</b>	Disclosure of this information is voluntary on your part. However, failure of individual to provide requested information could result in inability to determine all pertinent information regarding a Department of the Army permit matter.

**The Agency Disclosure Notice (ADN)**

The Public reporting burden for this collection of information, 0710-0003, is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

**PURPOSE:** This form is used to facilitate the initiation of the administrative appeals process. The appeals process allows an affected party to pursue an administrative appeal of certain Corps of Engineers decisions with which they disagree.

Upon release, this form will also be available on the Corps website <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/>

Applicant: TM Montante Solar Development, LLC	File Number: LRB-2025-00319	Date: 2025-07-10
Documents Attached (select all that apply):		Form Reference Section:
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
<input type="checkbox"/>	PERMIT DENIAL WITHOUT PREJUDICE	C
<input type="checkbox"/>	PERMIT DENIAL WITH PREJUDICE	D
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	F

**SECTION I**

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: *You may accept or object to the permit*

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: *You may accept or appeal the permit*

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: *Not appealable*

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: *You may appeal the permit denial*

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: *You may accept or appeal the approved JD or provide new information for reconsideration*

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- RECONSIDERATION: You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: *Not appealable*

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision you may contact:	If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:
Name: Andy Francisco	Name: Suzanne Chubb, Regulatory Program Manager
Street Address, City, State: USACE Buffalo District, Regulatory Branch 478 Main Street Buffalo, NY 14202	Street Address, City, State: USACE, Great Lakes & Ohio River Division 550 Main Street, Room 10-780, CELRD-PD-O Cincinnati, Ohio 45202-3222
Phone: 716-879-4121	Phone: (513) 218-1243
Email: ernest.a.francisco@usace.army.mil	Email: suzanne.l.chubb@usace.army.mil

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

REASONS FOR APPEAL OR OBJECTIONS: *(Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)*

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

Email address of appellant and/or agent	Telephone number
Signature of appellant or agent	Date

**BACKGROUND INFORMATION****A. REPORT COMPLETION DATE FOR PJD: 10-JUL-2025****B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**

Soscia, Katie  
 Tm Montante Solar Development Llc  
 2760 Kenmore Ave  
 Tonawanda, NY 14150

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:**

LRB, TM Montante Solar Development LLC - 139 Caracas Drive Solar Project , LRB-2025-00319

**D. PROJECT LOCATION AND BACKGROUND INFORMATION:**

**(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)**

State: NY County/Parish/Borough: Monroe County City:

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

Lat.: 43.231944° Long.: -77.404167°

Universal Transverse Mercator: 18

Name of nearest waterbody: Fourmile Creek

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

Office (Desk) Determination. Date: July 8, 2025  
 Field Determination. Date(s):

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

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
East Ditch	43.232926	-77.410216	225 feet	Non-wetland waters	Section 404
North Ditch A	43.233956	-77.411184	600 feet	Non-wetland waters	Section 404
North Ditch B	43.233746	-77.41087	185 feet	Non-wetland waters	Section 404
Stream KL3	43.234314	-77.412757	1625 feet	Non-wetland waters	Section 404
West Ditch	43.23292	-77.41298	260 feet	Non-wetland waters	Section 404
Wetland KLA	43.232952	-77.412837	0.27 acres	Wetland	Section 404
Wetland KLB	43.233481	-77.412002	0.94 acres	Wetland	Section 404
Wetland KLC	43.233886	-77.413172	0.93 acres	Wetland	Section 404
Wetland KLC (PEM)	43.23349	-77.41342	2.04 acres	Wetland	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed

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

the various types of JDs and their characteristics and circumstances when they may be appropriate.

2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD or no JD whatsoever, which do not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the USACE has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD or reliance on no JD whatsoever; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of USACE permit authorization based on a PJD or no JD whatsoever constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the USACE will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

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

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

- Maps, plans or plat submitted by or on behalf of the PJD requestor:  
Map: Wetland Delineation Map included with Wetland Delineation Report, Haley & Aldrich, Nov. 6, 2024 (WDR).
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report. Rationale:  
\_\_\_\_\_. Data sheets prepared by the Corps: \_\_\_\_\_. Corps navigable waters' study: \_\_\_\_\_. U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.

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

USGS NHD data.  
 USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: \_1:24K, Webster\_\_\_\_\_.

USDA Natural Resources Conservation Service Soil Survey. Citation:  
 WDR\_\_\_\_\_.

National wetlands inventory map(s). Cite name: \_USACE ORM Data layer & WDR\_\_\_\_\_.

State/Local Wetland Inventory map(s): \_\_\_\_\_.

FEMA/FIRM maps: \_\_\_\_\_.

100-year Floodplain Elevation is: \_\_\_\_\_. (National Geodetic Vertical Datum of 1929)  
 Photographs:  Aerial (Name & Date): \_Google Earth, all available years\_\_\_.  
 or  Other (Name & Date): \_WDR, Nov. 6, 2024\_\_\_.  
 Previous determination(s). File no. and date of response letter: \_\_\_\_\_.

Other information (please specify): \_\_\_\_\_.

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

Name of Regulatory Staff Member Completing PJD	Date	Signature of Regulatory Staff Member Completing PJD
Andy Francisco	July 10, 2025	<i>Andy Francisco</i>
Name of Person Requesting PJD	Date	Signature of Person Requesting PJD (REQUIRED, unless obtaining the signature is impracticable) <sup>1</sup>

*Andy Francisco*

Signature of Regulatory Staff Member Completing PJD

Signature of Person Requesting PJD (REQUIRED, unless obtaining the signature is impracticable)<sup>1</sup>

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

## COMPLETION FORM / COMPLIANCE CERTIFICATION

Each permittee who receives a Nationwide Permit (NWP) verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any compensatory mitigation.

APPLICANT:  
Katie Soscia  
TM Montante Solar  
Development LLC  
2760 Kenmore Ave  
Tonawanda, NY 14150

POINT OF CONTACT:  
Tom Robitaille  
H & A of New York  
Engineering and Geology, LLP  
260 E Main Street, Suite 2100  
Rochester, NY 14604

File No.: LRB-2025-00319  
File Closed: July 10, 2025  
NWP No.: 51

**Upon completion of the activity authorized by this permit and any required compensatory mitigation sign this certification and return it to the address listed below within 30 days of project completion.**

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, revocation, and/or assessment of administrative penalties.

The permittee shall certify the completion of the authorized work and mitigation:

- a. The authorized work was done in accordance with the NWP authorization, including any general, regional, or activity specific conditions.
- b. The implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, this certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits.

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TM Montante Solar Development LLC; Katie  
Soscia

Date

Permittee Telephone Number: \_\_\_\_\_

Project location: 139 Caracas Dr. Town of Webster, Monroe County, NY

Project Description: to discharge fill material (3 ft. x.2 ft. x 2 ft. tall, geoballasts) into 0.03 acre of federally regulated wetlands and 0.01 acre of federally regulated ditches for the construction of a solar PV system on a 20 acre parcel.

Authorized Impacts (Waters of the U.S. Impacted by Project): 0.04 acre total

Waterway and/or Project Setting: Fourmile Creek

Return completed form to: [\*\*LRB.Regulatory.PermitCompliance@usace.army.mil\*\*](mailto:LRB.Regulatory.PermitCompliance@usace.army.mil) (Preferred)

Or Mail to:      Compliance Coordinator  
                            Regulatory Branch  
                            U.S. Army Corps of Engineers  
                            478 Main St  
                            Buffalo, NY 14202