



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Stephanie Andreescu Austin Jepsky (in-training)	Time In	3:08 PM	Start Date	May 16, 2023
		Time Out	5:15 PM	End Date	May 16, 2023
Inspector's Organization	U.S. EPA Region 2				
Organization Requesting Inspection (if different)					
Inspection Type	Evaluation	Inspection Status	Original		
Site Name	Bart Wodzinski Property - 41 Bowery Lane				
Site Address*	41 Bowery Lane (3-1-11.2)				
City*	Minisink	County*	Orange	State*	NY
				Zip Code*	10940
Mailing Address*	41 Bowery Lane				
City*	Minisink	County*	Orange	State*	NY
				Zip Code*	10940
Latitude*	41.36931	Longitude*	-74.54301		
Estimated Size of Site (acres)	38	Is there a home on the site?	☒ Yes ☐ No		
Inspector Signature				Date	7/13/23
Supervisor Signature				Date	7/19/23

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Site Name	Bart Wodzinski Property - 41 Bowery Lane	Start Date	May 16, 2023
		End Date	May 16, 2023
Inspection Purpose	Initial site visit		
Opening Conference			
☒ Presentation of Inspector Credentials			
Name and Title (Use N/A if owner/operator not available to join the inspection)			
Inspector credentials were presented to Mr. Wodzinski, owner of the property			
☒ Opening Conference			
Name of person authorizing access if applicable			
I communicated with Mr. Wodzinski via phone to arrange the inspection.			
Notes from Opening Conference			
We explained the purpose of the inspection to Mr. Wodzinski and his consultant. Mr. Wodzinski explained what work he had done on the property and the issues he's had with his neighbors.			
☐ Access Issues if Any			
Describe			
N/A			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information)			
Mr. Bart Wodzinski, property owner, U.S. FOIA (b)(6), U.S. FOIA (b)(6)			
Additional Persons Present at Inspection			
Mr. Wodzinski, property owner; Mr. Paul Woodell, associate at GEODesign, Inc.			
General Site Characteristics (layout of property, etc.)			
The property is a 38-acre parcel bordered by parcels on the northwest, northeast, and southeast; and by Bowery Lane on the southwest. The eastern half of the parcel is undeveloped and forested. Topography slopes towards a stream that runs north-south through the eastern half of the parcel. The western half of the parcel is a mix of undeveloped woods, structures, water, wetlands, and disturbed areas. A private road/driveway off of Bowery Lane leads to a residential structure. A one-acre stocked pond, constructed by Mr. Wodzinski, is located at the western corner of the parcel. East of the pond's dam, clearing, grubbing, and earthmoving activities had left a large bowl-shaped impression on the landscape. The lowest areas of this "bowl" are dominated by emergent wetland vegetation. East of this area are livestock pens. A structure constructed from shipping containers for recreational purposes is located on the south side of the pond.			
Purpose and Need for Discharge of Dredged and/or Fill Material			
Fill material was discharged to construct a 1-acre recreational pond and dam. Clearing and excavation work to start the expansion of the 1-acre pond to a 5-acre pond also occurred. According to Mr. Wodzinski, this work was stopped by court order.			

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Site Name	Bart Wodzinski Property - 41 Bowery Lane	Start Date	May 16, 2023
		End Date	May 16, 2023
Site Overview (Past inspections, site description, permits, etc.)			
EPA's Wetland Protection Section had not previously visited the property. There is no record of prior Corps permits for work at the property. The property had been visited by NYSDEC in the past.			
Scope of Inspection (Areas inspected or not inspected)			
The inspection was mostly limited to areas around the pond and east of the pond's dam where earthmoving had occurred.			

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Site Name	Bart Wodzinski Property - 41 Bowery Lane	Start Date	May 16, 2023
		End Date	May 16, 2023
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
temperatures in the mid to upper 70's, overcast/partly sunny			
Field Work Conducted			
Data recorded during the inspection included GPS data, photographs, handwritten notes, and a soil sample. EPA started the inspection at a parking area located south of the pond and west of the residential structure. EPA walked northeast to observe the cleared, grubbed, and disturbed area east of the dam. EPA then walked east towards the stream, which runs north-south through the eastern half of the parcel. Culvert pipes and windows were stockpiled on a hillslope above the stream. EPA observed a backhoe loader and excavator on-site. Clearing, grubbing, and earthmoving activities had left a large bowl-shaped impression on the landscape east of the dam. The topographically low areas were dominated by emergent wetland vegetation (e.g. cattail, sedges, reed canary grass) and standing water was observed in areas. Other low areas were unvegetated. EPA took a soil sample near the center of the disturbance. Though auger refusal occurred at seven inches, EPA observed wetland soils, wetland hydrology, and wetland plants at the sampling location. Based on these wetland indicators, EPA identified the location to be an emergent wetland in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and associated Northcentral and Northeast Regional Supplement. EPA observed the earthen dam and measured it to be approximately 11 feet wide. Water was observed flowing from the pond, over the dam, and into the "bowl". Mr. Wodzinski explained that he stocked the pond with "koi" and his children fished for them. A paddleboat was observed in the pond. Mr. Wodzinski expressed his desire for the pond to eventually total 5 acres. EPA advised that he should contact the Army Corps of Engineers prior to doing any additional work on the property. EPA walked to Bowery Lane and observed a pond on a neighboring property across the road. EPA was not able to locate a hydrologic connection between the ponds. Mr. Wodzinski stated that the pond on his property was fed by surface runoff from the surrounding area.			
Closing Conference			
Documents Received and/or Requested During the Inspection			
N/A			
Compliance Assistance Provided (If any)			
EPA explained the Corps' permitting process to the property owner and advised him to contact the Corps prior to expanding his pond.			
Observations Relayed to Site Owner/Operator			
N/A			

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Site Name	Bart Wodzinski Property - 41 Bowery Lane	Start Date	May 16, 2023
		End Date	May 16, 2023
Actions Taken by Owner/Operator During the Inspection (If any)			
N/A			
Potential Issues of Concern Including Regulatory Citations			
N/A			
Attachments*			
☒ Maps and Sketches ☒ Photographs (including location) and Photo Log ☒ Other (SSIP, Wetlands Delineation Forms, etc.)			
Attachments: map of GPS points, photo log, wetland delineation form			
Additional Notes			



NYS ITS GIS Program Office

- 5/16/2023 EPA GPS Points
- Parcel Boundary

Wodzinski Property
41 Bowery Lane, Minisink, NY
41.36931, -74.54301



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-CO-R	OMB Control #: 0710-0024, Exp: 11/30/2024 Requirement Control Symbol EXEMPT: (Authority: AR 335-15, paragraph 5-2a)
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Project/Site: Wodzinski Property - 41 Bowery Lane City/County: Minisink / Orange County Sampling Date: 5/16/2023
Applicant/Owner: Bart Wodzinski State: NY Sampling Point: SS1
Investigator(s): S. Andreescu; A. Jepsky Section, Township, Range: _____
Landform (hillside, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope %: _____
Subregion (LRR or MLRA): LRR R Lat: 41.36931 Long: -74.54301 Datum: _____
Soil Map Unit Name: Swartswood and Mardin soils, sloping, very stony NWI classification: PFO1A (in vicinity)
Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
Are Vegetation _____, Soil _____, or Hydrology _____ 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 <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____ If yes, optional Wetland Site ID: _____
Hydric Soil Present? Yes <u>X</u> No _____	
Wetland Hydrology Present? Yes <u>X</u> No _____	

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

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> <u>X</u> Surface Water (A1) _____ Water-Stained Leaves (B9) <u>X</u> High Water Table (A2) _____ Aquatic Fauna (B13) _____ Saturation (A3) _____ Marl Deposits (B15) _____ Water Marks (B1) _____ Hydrogen Sulfide Odor (C1) _____ Sediment Deposits (B2) _____ Oxidized Rhizospheres on Living Roots (C3) _____ Drift Deposits (B3) _____ Presence of Reduced Iron (C4) _____ Algal Mat or Crust (B4) _____ Recent Iron Reduction in Tilled Soils (C6) _____ Iron Deposits (B5) <u>X</u> Thin Muck Surface (C7) _____ Inundation Visible on Aerial Imagery (B7) _____ Other (Explain in Remarks) _____ Sparsely Vegetated Concave Surface (B8)	<u>Secondary Indicators (minimum of two required)</u> _____ 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) <u>X</u> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes <u>X</u> No _____ Depth (inches): _____ Water Table Present? Yes <u>X</u> No _____ Depth (inches): <u>6</u> Saturation Present? Yes <u>X</u> No _____ Depth (inches): <u>6</u> (includes capillary fringe)	Wetland Hydrology Present? Yes <u>X</u> No _____
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: Surface water present in areas	

VEGETATION – Use scientific names of plants.

 Sampling Point: SS1

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
				=Total Cover
Sapling/Shrub Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
				=Total Cover
Herb Stratum (Plot size: <u>15</u>)				
1. <i>Typha angustifolia</i>	20	No	OBL	
2. <i>Carex vulpinoidea</i>	30	Yes	OBL	
3. <i>Microstegium vimineum</i>	30	Yes	FAC	
4. <i>Impatiens capensis</i>	5	No	FACW	
5. <i>Phalaris arundinacea</i>	20	No	FACW	
6. <i>Solidago gigantea</i>	5	No	FACW	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
				110 =Total Cover
Woody Vine Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
				=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: 2 (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 <u>50</u>	x 1 = <u>50</u>
FACW species <u>30</u>	x 2 = <u>60</u>
FAC species <u>30</u>	x 3 = <u>90</u>
FACU species <u>0</u>	x 4 = <u>0</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>110</u> (A)	<u>200</u> (B)
Prevalence Index = B/A = <u>1.82</u>	

Hydrophytic Vegetation Indicators:
1 - Rapid Test for Hydrophytic Vegetation
☒ 2 - Dominance Test is >50%
☒ 3 - Prevalence Index is ≤3.0¹
4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)
 Problematic Hydrophytic Vegetation¹ (Explain)
¹Indicators 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: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: SS1

[illegible]

CWA 404 Inspection Photolog
Wodzinski Property
41 Bowery Lane
Minisink, Orange County, NY

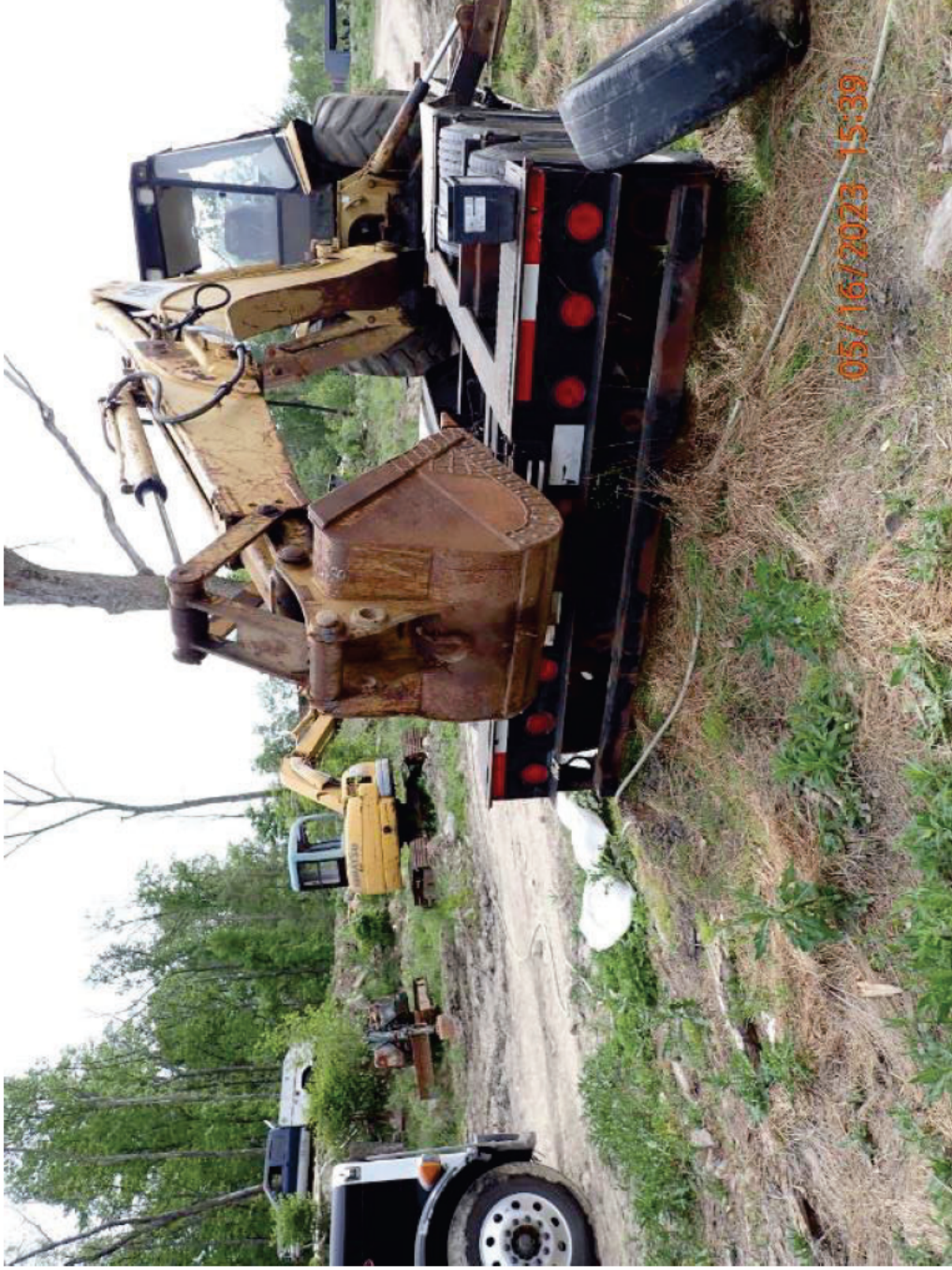
May 16, 2023



Date: 5/16/2023
Time: 3:35 PM
Photographer: SSA
Photo ID: 1 – P5160043

Description:

Culvert pipes on hill side;
stream in background



Date: 5/16/2023
Time: 3:39 PM
Photographer: SSA
Photo ID: 2 – P5160044

Description:

Earthmoving equipment on site

Date: 5/16/2023
Time: 3:40 PM
Photographer: SSA
Photo ID: 3 – P5160045

Description:
(1/5) Panorama of wetland
disturbance





Date: 5/16/2023
Time: 3:40 PM
Photographer: SSA
Photo ID: 4 – P5160046

Description:
(2/5) Panorama of wetland
disturbance



Date: 5/16/2023
Time: 3:40 PM
Photographer: SSA
Photo ID: 5 – P5160047

Description:

(3/5) Panorama of wetland disturbance



Date: 5/16/2023
Time: 3:40 PM
Photographer: SSA
Photo ID: 6 – P5160048

Description:

(4/5) Panorama of wetland disturbance



Date: 5/16/2023
Time: 3:40 PM
Photographer: SSA
Photo ID: 7 – P5160049

Description:
(5/5) Panorama of wetland
disturbance



Date: 5/16/2023
Time: 3:56 PM
Photographer: SSA
Photo ID: 8 – P5160050

Description:
(1/4) Potential wetland to
upland transition



Date: 5/16/2023
Time: 3:56 PM
Photographer: SSA
Photo ID: 9 – P5160051

Description:
(2/4) Potential wetland to
upland transition



Date: 5/16/2023
Time: 3:56 PM
Photographer: SSA
Photo ID: 10 – P5160052

Description:
(3/4) Potential wetland to
upland transition



Date: 5/16/2023
Time: 3:56 PM
Photographer: SSA
Photo ID: 11 – P5160053

Description:
(4/4) Potential wetland to
upland transition



Date: 5/16/2023
Time: 4:24 PM
Photographer: SSA
Photo ID: 12 – P5160054
Description:
Soil profile



Date: 5/16/2023
Time: 4:31 PM
Photographer: SSA
Photo ID: 13 – P5160055
Description:
Soil pit



Date: 5/16/2023
Time: 4:51 PM
Photographer: SSA
Photo ID: 14 – P5160056

Description:

(1/5) Panorama of wetland edge



Date: 5/16/2023
Time: 4:51 PM
Photographer: SSA
Photo ID: 15 – P5160057

Description:

(2/5) Panorama of wetland edge



Date: 5/16/2023
Time: 4:51 PM
Photographer: SSA
Photo ID: 16 – P5160058

Description:

(3/5) Panorama of wetland edge



Date: 5/16/2023
Time: 4:51 PM
Photographer: SSA
Photo ID: 17 – P5160059

Description:

(4/5) Panorama of wetland edge



Date: 5/16/2023
Time: 4:51 PM
Photographer: SSA
Photo ID: 18 – P5160060

Description:

(5/5) Panorama of wetland edge



Date: 5/16/2023
Time: 4:55 PM
Photographer: SSA
Photo ID: 19 – P5160061

Description:
(1/5) Panorama of wetland,
dam, and pond



Date: 5/16/2023
Time: 4:55 PM
Photographer: SSA
Photo ID: 20 – P5160062

Description:
(2/5) Panorama of wetland,
dam, and pond



Date: 5/16/2023
Time: 4:55 PM
Photographer: SSA
Photo ID: 21 – P5160063

Description:

(3/5) Panorama of wetland,
dam, and pond



Date: 5/16/2023
Time: 4:55 PM
Photographer: SSA
Photo ID: 22 – P5160064

Description:
(4/5) Panorama of wetland,
dam, and pond



Date: 5/16/2023
Time: 4:55 PM
Photographer: SSA
Photo ID: 23 – P5160065

Description:
(5/5) Panorama of wetland,
dam, and pond



Date: 5/16/2023
Time: 4:59 PM
Photographer: SSA
Photo ID: 24 – P5160066

Description:
Fish from pond



Date: 5/16/2023
Time: 5:00 PM
Photographer: SSA
Photo ID: 25 – P5160067

Description:

Flow over dam from pond to wetlands



Date: 5/16/2023
Time: 5:02 PM
Photographer: SSA
Photo ID: 26 – P5160068

Description:
(1/4) Panorama of pond



Date: 5/16/2023
Time: 5:02 PM
Photographer: SSA
Photo ID: 27 – P5160069

Description:
(2/4) Panorama of pond



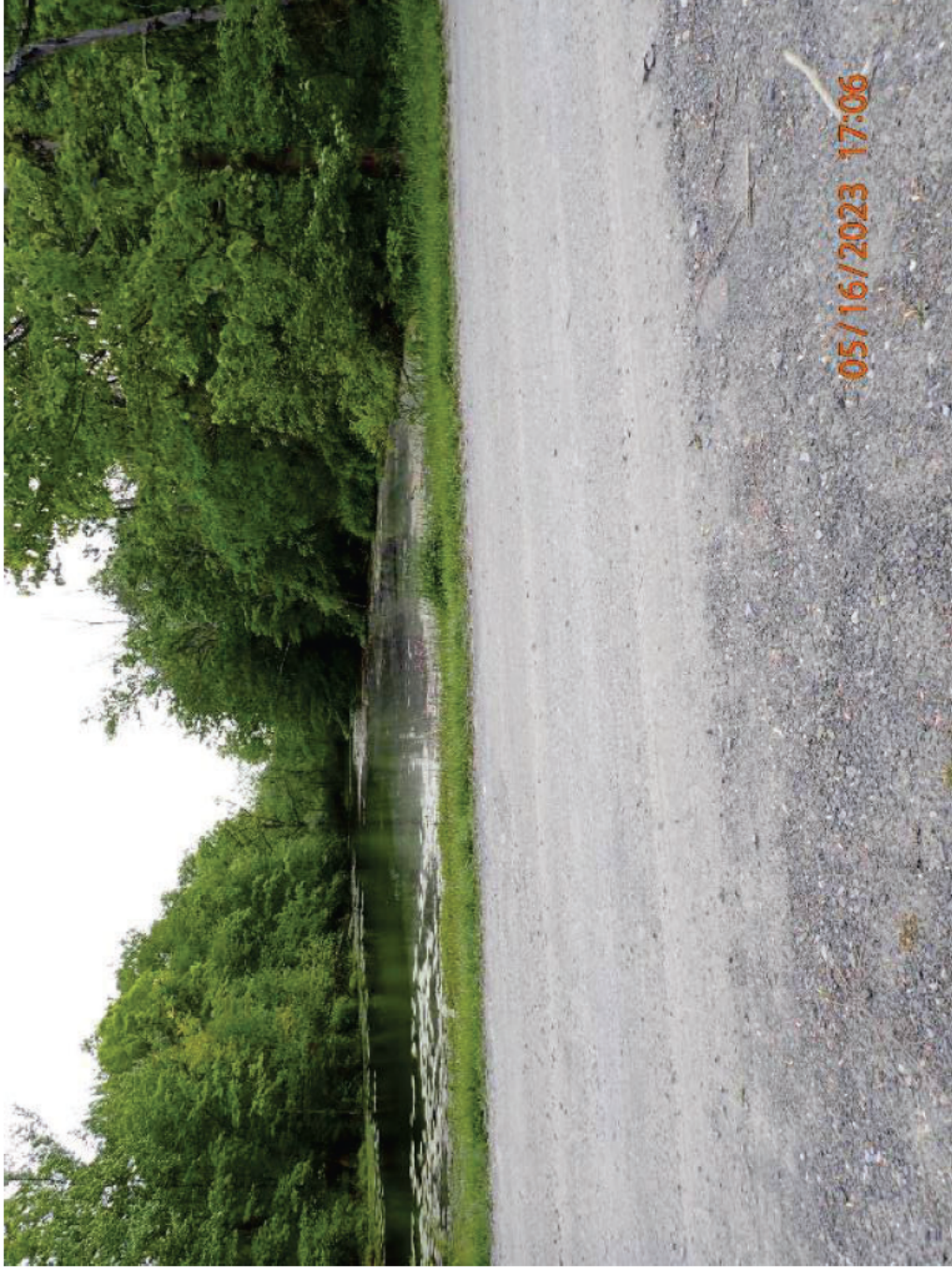
Date: 5/16/2023
Time: 5:02 PM
Photographer: SSA
Photo ID: 28 – P5160070

Description:
(3/4) Panorama of pond

Date: 5/16/2023
Time: 5:02 PM
Photographer: SSA
Photo ID: 29 – P5160071

Description:
(4/4) Panorama of pond





Date: 5/16/2023
Time: 5:06 PM
Photographer: SSA
Photo ID: 30 – P5160072

Description:
(1/6) Panorama from road
beginning at neighboring pond



Date: 5/16/2023
Time: 5:06 PM
Photographer: SSA
Photo ID: 31 – P5160073

Description:

(2/6) Panorama from road
beginning at neighboring pond



Date: 5/16/2023
Time: 5:06 PM
Photographer: SSA
Photo ID: 32 – P5160074

Description:

(3/6) Panorama from road
beginning at neighboring pond



Date: 5/16/2023
Time: 5:06 PM
Photographer: SSA
Photo ID: 33 – P5160075

Description:

(4/6) Panorama from road
beginning at neighboring pond



Date: 5/16/2023
Time: 5:06 PM
Photographer: SSA
Photo ID: 34 – P5160076

Description:

(5/6) Panorama from road
beginning at neighboring pond



Date: 5/16/2023
Time: 5:06 PM
Photographer: SSA
Photo ID: 35 – P5160077

Description:
(6/6) Panorama from road
beginning at neighboring pond



Date: 5/16/2023
Time: 5:08 PM
Photographer: SSA
Photo ID: 36 – P5160078
Description:
Pond overview



Date: 5/16/2023
Time: 5:11 PM
Photographer: SSA
Photo ID: 37 – P5160079

Description:
(1/3) Panorama of pond
excavation



Date: 5/16/2023
Time: 5:11 PM
Photographer: SSA
Photo ID: 38 – P5160080

Description:
(2/3) Panorama of pond
excavation



Date: 5/16/2023
Time: 5:11 PM
Photographer: SSA
Photo ID: 39 – P5160081

Description:
(3/3) Panorama of pond
excavation