

**JURISDICTIONAL DETERMINATION**

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2000-00381-4

**PROJECT LOCATION INFORMATION:**

State: New Jersey  
County: Bergen  
Center coordinates of site (latitude/longitude): lat:40-47-48.5880 lon:74-5-46.5360  
Approximate size of area (parcel) reviewed, including uplands: 108.59 acres.  
Name of nearest waterway: Berry's Creek  
Name of watershed: HACKENSACK RIVER

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): October 19, 2001

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 8.94 acres.

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 8.94 acres.

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.  
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The site includes a portion of the Hackensack River, and Berry's Creek, as well as wetlands associated with both the Hackensack River and Berry's Creek.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- |  |  |
|--|--|
| <input type="checkbox"/> Ordinary High Water Mark indicated by:    | <input type="checkbox"/> High Tide Line indicated by:              |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:                                    |  |

Mean High Water Mark indicated by:

- survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated March 2000, prepared by (company): Dru Associates, Inc.
- This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company): \_\_\_\_\_
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps: Weehawken
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- Aerial Photographs (Name & Date):
- Other photographs (Date):
- Advanced Identification Wetland maps:
- Site visit/determination conducted on: October 19, 2001
- Applicable/supporting case law:
- Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2000-00963

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Ulster  
Center coordinates of site (latitude/longitude): lat:41-45-33.0120 lon:74-3-37.0080  
Approximate size of area (parcel) reviewed, including uplands: 154.82 acres.  
Name of nearest waterway: Unnamcd Tributary to the Wallkill River  
Name of watershed: HUDSON RIVER - POUGHKEEPSIE TO TROY

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): May 22, 2003

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 22.01 acres.

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include perennial streams which flow to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which is navigable.*

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- Ordinary High Water Mark indicated by:                       High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input checked="" type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation                | <input type="checkbox"/> tidal gages                               |
| <input checked="" type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- Mean High Water Mark indicated by:  
 survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.  
 Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
 Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
 The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.  
 Data sheets prepared/submitted by or on behalf of the applicant:  
 This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 Data sheets prepared by the Corps.  
 Corps' navigable waters' studies:  
 U.S. Geological Survey Hydrologic Atlas:  
 U.S. Geological Survey 7.5 Minute Topographic maps: Rosendale, NY  
 U.S. Geological Survey 7.5 Minute Historic quadrangles:  
 U.S. Geological Survey 15 Minute Historic quadrangles:  
 USDA Natural Resources Conservation Service Soil Survey: Ulster County, NY  
 National wetlands inventory maps: Rosendale, NY  
 State/Local wetland inventory maps: Rosendale, NY  
 FEMA/FIRM maps (Map Name & Date):  
 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
 Aerial Photographs (Name & Date):  
 Other photographs (Date):  
 Advanced Identification Wetland maps:  
 Site visit/determination conducted on: May 22, 2003  
 Applicable/supporting case law:  
 Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2003-00442

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Queens  
Center coordinates of site (latitude/longitude): lat:40-43-59.9880 lon:73-57-0.0000  
Approximate size of area (parcel) reviewed, including uplands: 2.02 acres.  
Name of nearest waterway: East River  
Name of watershed: EAST RIVER

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date: January 18, 2006  
Site visit(s)  Date(s):

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.  
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2), 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The East River is navigable waters of United States.*

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- |  |  |
|--|--|
| <input type="checkbox"/> Ordinary High Water Mark indicated by:    | <input type="checkbox"/> High Tide Line indicated by:              |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:                                    |  |

Mean High Water Mark indicated by:

- survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):
- This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps:
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- Aerial Photographs (Name & Date):
- Other photographs (Date):
- Advanced Identification Wetland maps:
- Site visit/determination conducted on:
- Applicable/supporting case law:
- Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2003-01352

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Dutchess  
Center coordinates of site (latitude/longitude): lat:41-33-47.0160 lon:73-45-37.0080  
Approximate size of area (parcel) reviewed, including uplands: 385.49 acres.  
Name of nearest waterway: Hudson River  
Name of watershed: HUDSON RIVER - POUGHKEEPSIE TO TROY

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): September 16, 2004

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 187.18 acres.

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The site contains an unnamed tributary to Fishkill Creek, and includes associated palustrine forested, scrub shrub and emergent wetlands. Fishkill Creek is a tributary to the Hudson River.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- Ordinary High Water Mark indicated by:                       High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris                    | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation                | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- Mean High Water Mark indicated by:  
 survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Maser Consulting.

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.  
 Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
 Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
 The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
- Isolated, intrastate wetland with no nexus to interstate commerce.  
 Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  
 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  
 Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.  
 Data sheets prepared/submitted by or on behalf of the applicant.  
 This office concurs with the delineation report, dated July 2003, prepared by (company): Maser Consulting, P.A.  
 This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company): \_\_\_\_\_
- Data sheets prepared by the Corps.  
 Corps' navigable waters' studies:  
 U.S. Geological Survey Hydrologic Atlas:  
 U.S. Geological Survey 7.5 Minute Topographic maps: Hopewell Junction  
 U.S. Geological Survey 7.5 Minute Historic quadrangles:  
 U.S. Geological Survey 15 Minute Historic quadrangles:  
 USDA Natural Resources Conservation Service Soil Survey:  
 National wetlands inventory maps:  
 State/Local wetland inventory maps:  
 FEMA/FIRM maps (Map Name & Date):  
 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
 Aerial Photographs (Name & Date):  
 Other photographs (Date):  
 Advanced Identification Wetland maps:  
 Site visit/determination conducted on: September 16, 2004 and May 4, 2005  
 Applicable/supporting case law:  
 Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2003-01368

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Sullivan  
Center coordinates of site (latitude/longitude): lat:41-38-13.9920 lon:74-44-12.0120  
Approximate size of area (parcel) reviewed, including uplands: 326 acres.  
Name of nearest waterway: Delaware River  
Name of watershed: DELAWARE RIVER

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): May 19, 2003

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 49.55 acres.

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Wetlands on site are associated with Burnt Meadow Brook, and an unnamed tributary which are both tributaries to the Mongaup River. Mongaup River is a tributary to the Delaware River.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- |  |  |
|--|--|
| <input type="checkbox"/> Ordinary High Water Mark indicated by:    | <input type="checkbox"/> High Tide Line indicated by:              |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:                                    |  |

- Mean High Water Mark indicated by:  
 survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Glenn L. Smith, Consulting Engineer, P.C.

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.  
 Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
 Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
 The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  
 Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  
 Artificially irrigated areas, which would revert to upland if the irrigation ceased.  
 Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.  
 Water-filled 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 waters of the United States found at 33 CFR 328.3(a).  
 Isolated, intrastate wetland with no nexus to interstate commerce.  
 Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  
 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  
 Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.  
 Data sheets prepared/submitted by or on behalf of the applicant.  
 This office concurs with the delineation report, dated April 2003, prepared by (company): Glenn L. Smith, P.E.  
 This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company): \_\_\_\_\_  
 Data sheets prepared by the Corps.  
 Corps' navigable waters' studies:  
 U.S. Geological Survey Hydrologic Atlas:  
 U.S. Geological Survey 7.5 Minute Topographic maps: Monticello  
 U.S. Geological Survey 7.5 Minute Historic quadrangles:  
 U.S. Geological Survey 15 Minute Historic quadrangles:  
 USDA Natural Resources Conservation Service Soil Survey:  
 National wetlands inventory maps:  
 State/Local wetland inventory maps:  
 FEMA/FIRM maps (Map Name & Date):  
 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
 Aerial Photographs (Name & Date):  
 Other photographs (Date):  
 Advanced Identification Wetland maps:  
 Site visit/determination conducted on: August 19, 2003  
 Applicable/supporting case law:  
 Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2004-00454

**PROJECT LOCATION INFORMATION:**

State: New Jersey  
County: Hudson  
Center coordinates of site (latitude/longitude): lat:40-40-13.0080 lon:74-5-20.0040  
Approximate size of area (parcel) reviewed, including uplands: 2000 foot long by 110 foot wide berthing area.  
Name of nearest waterway: Port Jersey Channel  
Name of watershed: NEW YORK HARBOR

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date: May 5, 2004  
Site visit(s)  Date(s):

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2000 foot by 110 foot berth area.

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The project site is located in the Upper New York Harbor, within an existing berth area. The berth area is located adjacent to the Port Jersey Federal Channel.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- Ordinary High Water Mark indicated by:
  High Tide Line indicated by:
- |  |  |
|--|--|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:                                    |  |
- Mean High Water Mark indicated by:
- survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.
- Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):
- This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps: Jersey City
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- Aerial Photographs (Name & Date):
- Other photographs (Date):
- Advanced Identification Wetland maps:
- Site visit/determination conducted on:
- Applicable/supporting case law:
- Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2004-00491

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Ulster  
Center coordinates of site (latitude/longitude): lat:41-45-4.9680 lon:74-4-15.3120  
Approximate size of area (parcel) reviewed, including uplands: 29.1611 acres.  
Name of nearest waterway: Unnamed Tributary to the Wallkill River  
Name of watershed: HUDSON RIVER - POUGHKEEPSIE TO TROY

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): August 5, 2004

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.89 acres.

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The wetland includes two perennial streams which flow to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which is navigable.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- Ordinary High Water Mark indicated by:       High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input checked="" type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input checked="" type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation                | <input type="checkbox"/> tidal gages                               |
| <input checked="" type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- Mean High Water Mark indicated by:  
 survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.  
 Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
 Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
 The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.  
 Data sheets prepared/submitted by or on behalf of the applicant.  
 This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 Data sheets prepared by the Corps.  
 Corps' navigable waters' studies:  
 U.S. Geological Survey Hydrologic Atlas:  
 U.S. Geological Survey 7.5 Minute Topographic maps: Rosendale, NY  
 U.S. Geological Survey 7.5 Minute Historic quadrangles:  
 U.S. Geological Survey 15 Minute Historic quadrangles:  
 USDA Natural Resources Conservation Service Soil Survey: Orange County, NY  
 National wetlands inventory maps: Rosendale, NY  
 State/Local wetland inventory maps: Rosendale, NY  
 FEMA/FIRM maps (Map Name & Date):  
 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
 Aerial Photographs (Name & Date):  
 Other photographs (Date):  
 Advanced Identification Wetland maps:  
 Site visit/determination conducted on: August 5, 2004  
 Applicable/supporting case law:  
 Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2004-00791

**PROJECT LOCATION INFORMATION:**

State: New Jersey  
County: Bergen  
Center coordinates of site (latitude/longitude): lat:40-50-27.9960 lon:74-2-17.0160  
Approximate size of area (parcel) reviewed, including uplands: 6.9 acres.  
Name of nearest waterway: Hackensaek River  
Name of watershed: HACKENSACK RIVER

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): May 12, 2005

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.44 acres.

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The wetland on site is associated with an unnamed tributary to the Losen Slote. The Losen Slote is tributary to the Hackensaek River.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- Ordinary High Water Mark indicated by:                     High Tide Line indicated by:
- clear, natural line impressed on the bank                     oil or scum line along shore objects
- the presence of litter and debris                     fine shell or debris deposits (foreshore)
- changes in the character of soil                     physical markings/characteristics
- destruction of terrestrial vegetation                     tidal gages
- shelving                     other:
- other:

- Mean High Water Mark indicated by:
- survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
- Artificially irrigated areas, which would revert to upland if the irrigation ceased.
- Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
- Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
- Isolated, intrastate wetland with no nexus to interstate commerce.
- Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
- Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated June 2004, prepared by (company): The Louis Berger Group, Inc.
- This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company): \_\_\_\_\_
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps: Weehawken
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- Aerial Photographs (Name & Date):
- Other photographs (Date):
- Advanced Identification Wetland maps:
- Site visit/determination conducted on: May 12, 2005
- Applicable/supporting case law:
- Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2004-00936

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site (latitude/longitude): lat:41-32-24.9000 lon:74-3-21.1320  
Approximate size of area (pareel) reviewed, including uplands: 39.672 acres.  
Name of nearest waterway: Unnamed Tributary to Quassaic Creek  
Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): November 17, 2004

**Jurisdictional Determination (JD):**

- Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Referencee 33 CFR part 331).
- Approved JD - An approved JD is an appealable action (Referencee 33 CFR part 331).  
Check all that apply:
- There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and assoeiated guidance) within the reviewed area. Approximate size of jurisdictional area: .
- There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 8.63 acres.
- There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.  
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be suseeptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

- (1) The presence of waters, which are currently used, or were used in the past, or may be suseeptible to use in interstate or foreign eommerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commeree including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerece.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) - (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Wetlands include intermittent streams which flow to Quassaic Creek, which flows to the Hudson River, which is navigable.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Ordinary High Water Mark indicated by:    | <input type="checkbox"/> High Tide Line indicated by:              |
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input checked="" type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input checked="" type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation                | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- Mean High Water Mark indicated by:  
 survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.  
 Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
 Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
 The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  
 Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  
 Artificially irrigated areas, which would revert to upland if the irrigation ceased.  
 Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.  
 Water-filled 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 waters of the United States found at 33 CFR 328.3(a).  
 Isolated, intrastate wetland with no nexus to interstate commerce.  
 Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  
 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  
 Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.  
 Data sheets prepared/submitted by or on behalf of the applicant.  
 This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 Data sheets prepared by the Corps.  
 Corps' navigable waters' studies:  
 U.S. Geological Survey Hydrologic Atlas:  
 U.S. Geological Survey 7.5 Minute Topographic maps: Newburgh, NY  
 U.S. Geological Survey 7.5 Minute Historic quadrangles:  
 U.S. Geological Survey 15 Minute Historic quadrangles:  
 USDA Natural Resources Conservation Service Soil Survey: Orange County, NY  
 National wetlands inventory maps: Newburgh, NY  
 State/Local wetland inventory maps: Newburgh, NY  
 FEMA/FIRM maps (Map Name & Date):  
 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
 Aerial Photographs (Name & Date):  
 Other photographs (Date):  
 Advanced Identification Wetland maps:  
 Site visit/determination conducted on: November 17, 2004  
 Applicable/supporting case law:  
 Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2005-00102

**PROJECT LOCATION INFORMATION:**

State: New Jersey  
County: Hudson  
Center coordinates of site (latitude/longitude): lat:40-39-0.0000 lon:74-6-0.0000  
Approximate size of area (parcel) reviewed, including uplands: Berth Area 250' by 50'  
Name of nearest waterway: Kill Van Kull  
Name of watershed: KILL VAN KULL

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date: 28 Jan 2005  
Site visit(s)  Date(s):

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Applicant proposes to dredge with upland disposal approximately 550 cubic yards of sediment from an existing 250' by 50' berth area to restore the depth to 40 feet below Mean Low Water.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- |  |  |
|--|--|
| <input type="checkbox"/> Ordinary High Water Mark indicated by:    | <input checked="" type="checkbox"/> High Tide Line indicated by:   |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input checked="" type="checkbox"/> tidal gages                    |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:                                    |  |

Mean High Water Mark indicated by:

- survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):
  - This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
  - U.S. Geological Survey 7.5 Minute Topographic maps:
  - U.S. Geological Survey 7.5 Minute Historic quadrangles:
  - U.S. Geological Survey 15 Minute Historic quadrangles:
  - USDA Natural Resources Conservation Service Soil Survey:
  - National wetlands inventory maps:
  - State/Local wetland inventory maps:
  - FEMA/FIRM maps (Map Name & Date):
  - 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
  - Aerial Photographs (Name & Date):
  - Other photographs (Date):
  - Advanced Identification Wetland maps:
  - Site visit/determination conducted on:
  - Applicable/supporting case law:
  - Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2005-00167

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site (latitude/longitude): lat:41-27-2.9520 lon:74-20-59.7480  
Approximate size of area (pareel) reviewed, including uplands: 38.533 acres.  
Name of nearest waterway: Wallkill River  
Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): August 3, 2005

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Referencee 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Referencee 33 CFR part 331).  
Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 7.61 acres.

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Wetlands on site flow to the Wallkill River, which flows to Rondout Creek, which flows to the Hudson River, which is navigable.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- Ordinary High Water Mark indicated by:                       High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input checked="" type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input checked="" type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation                | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- Mean High Water Mark indicated by:  
 survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.  
 Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
 Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
 The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.  
 Data sheets prepared/submitted by or on behalf of the applicant.  
 This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 Data sheets prepared by the Corps.  
 Corps' navigable waters' studies:  
 U.S. Geological Survey Hydrologic Atlas:  
 U.S. Geological Survey 7.5 Minute Topographic maps: Goshen, NY  
 U.S. Geological Survey 7.5 Minute Historic quadrangles:  
 U.S. Geological Survey 15 Minute Historic quadrangles:  
 USDA Natural Resources Conservation Service Soil Survey: Orange County, NY  
 National wetlands inventory maps: Goshen, NY  
 State/Local wetland inventory maps: Goshen, NY  
 FEMA/FIRM maps (Map Name & Date):  
 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
 Aerial Photographs (Name & Date):  
 Other photographs (Date):  
 Advanced Identification Wetland maps:  
 Site visit/determination conducted on: August 3, 2005  
 Applicable/supporting case law:  
 Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)
FILE NUMBER: 2005-00328

PROJECT LOCATION INFORMATION:

State: New York
County: Orange
Center coordinates of site (latitude/longitude): lat:41-26-41.1000 lon:74-2-7.6560
Approximate size of area (parcel) reviewed, including uplands: 18.871 acres.
Name of nearest waterway: Unnamed Tributary to Hudson River
Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [ ] Date:
Site visit(s) [X] Date(s): August 3, 2005

Jurisdictional Determination (JD):

[ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

[X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

[ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

[X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.222 acres.

[ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

[ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[ ] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

[ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

[ ] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

[ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

[ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[ ] (4) Impoundments of waters otherwise defined as waters of the US.

[X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[ ] (6) The presence of territorial seas.

[X] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland includes perennial stream which is a tributary to the Hudson River, which is navigable.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- Ordinary High Water Mark indicated by:                       High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input checked="" type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input checked="" type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- Mean High Water Mark indicated by:  
 survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.  
 Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
 Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
 The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.  
 Data sheets prepared/submitted by or on behalf of the applicant.  
 This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 Data sheets prepared by the Corps.  
 Corps' navigable waters' studies:  
 U.S. Geological Survey Hydrologic Atlas:  
 U.S. Geological Survey 7.5 Minute Topographic maps: Cornwall, NY  
 U.S. Geological Survey 7.5 Minute Historic quadrangles:  
 U.S. Geological Survey 15 Minute Historic quadrangles:  
 USDA Natural Resources Conservation Service Soil Survey: Orange County, NY  
 National wetlands inventory maps: Cornwall, NY  
 State/Local wetland inventory maps: Cornwall, NY  
 FEMA/FIRM maps (Map Name & Date):  
 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
 Aerial Photographs (Name & Date):  
 Other photographs (Date):  
 Advanced Identification Wetland maps:  
 Site visit/determination conducted on: August 3, 2005  
 Applicable/supporting case law:  
 Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2005-00641

**PROJECT LOCATION INFORMATION:**

State: New Jersey  
County: Bergen  
Center coordinates of site (latitude/longitude): lat:40-50-35.9880 lon:74-2-0.9960  
Approximate size of area (parcel) reviewed, including uplands: 7.39 acres.  
Name of nearest waterway: Hackensaek River  
Name of watershed: HACKENSACK RIVER

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): August 10, 2005

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project-site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.539 acres.

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* DePeyster Creek extends along the sites southwest property boundary and is a tributary to the Hackensaek River. A drainage ditch is also located on the site that drains to DePeyster Creek.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- |  |  |
|--|--|
| <input type="checkbox"/> Ordinary High Water Mark indicated by:    | <input type="checkbox"/> High Tide Line indicated by:              |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:                                    |  |

Mean High Water Mark indicated by:

- survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Borbas Surveying and Mapping LLC.

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
- Isolated, intrastate wetland with no nexus to interstate commerce.
- Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
- Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated May 2005, prepared by (company): Connolly Environmental Inc.
- This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company): \_\_\_\_\_
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps: Weehawken
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- Aerial Photographs (Name & Date):
- Other photographs (Date):
- Advanced Identification Wetland maps:
- Site visit/determination conducted on: August 10, 2005
- Applicable/supporting case law:
- Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)
FILE NUMBER: 2005-00642

PROJECT LOCATION INFORMATION:

State: New Jersey
County: Hudson
Center coordinates of site (latitude/longitude): lat:40-47-48.0120 lon:74-4-5.9880
Approximate size of area (parcel) reviewed, including uplands: 8 acres.
Name of nearest waterway: Hackensack River
Name of watershed: HACKENSACK RIVER

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [ ] Date:
Site visit(s) [X] Date(s): August 18, 2005

Jurisdictional Determination (JD):

- [ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site.
[X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
[X] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area.
[ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area.
[ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
[ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
[ ] (2) The presence of interstate waters including interstate wetlands.
[ ] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
[ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
[ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
[ ] (4) Impoundments of waters otherwise defined as waters of the US.
[X] (5) The presence of a tributary to a water identified in (1) - (4) above.
[ ] (6) The presence of territorial seas.
[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The site includes a portion of the Hackensack River with associated tidal emergent wetlands.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- |  |   |
|--|---|
| <input type="checkbox"/> Ordinary High Water Mark indicated by:    | <input checked="" type="checkbox"/> High Tide Line indicated by:      |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects         |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore)    |
| <input type="checkbox"/> changes in the character of soil          | <input checked="" type="checkbox"/> physical markings/characteristics |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                                  |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                       |
| <input type="checkbox"/> other:                                    |   |

- Mean High Water Mark indicated by:  
 survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.  
 Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
 Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
 The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.  
 Data sheets prepared/submitted by or on behalf of the applicant.  
 This office concurs with the delineation report, dated May 2, 2005, prepared by (company): Langan Engineering and Environmental Services.  
 This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company): \_\_\_\_\_  
 Data sheets prepared by the Corps.  
 Corps' navigable waters' studies:  
 U.S. Geological Survey Hydrologic Atlas:  
 U.S. Geological Survey 7.5 Minute Topographic maps: Weehawken  
 U.S. Geological Survey 7.5 Minute Historic quadrangles:  
 U.S. Geological Survey 15 Minute Historic quadrangles:  
 USDA Natural Resources Conservation Service Soil Survey:  
 National wetlands inventory maps:  
 State/Local wetland inventory maps:  
 FEMA/FIRM maps (Map Name & Date):  
 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
 Aerial Photographs (Name & Date):  
 Other photographs (Date):  
 Advanced Identification Wetland maps:  
 Site visit/determination conducted on: August 18, 2005  
 Applicable/supporting case law:  
 Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2005-00644

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Dutchess  
Center coordinates of site (latitude/longitude): lat:41-42-24.0120 lon:73-54-20.9880  
Approximate size of area (parcel) reviewed, including uplands: 8.7 acres.  
Name of nearest waterway: Hudson River  
Name of watershed: HUDSON RIVER - POUGHKEEPSIE TO TROY

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): August 9, 2005

**Jurisdictional Determination (JD):**

- Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:
- There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .
- There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.02 acres.
- There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.  
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) - (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The site includes a portion of Fallkill Creek with associated palustrine forested, scrub shrub and emergent wetlands. An additional palustrine forested, scrub shrub and emergent wetland area is located adjacent to the Fallkill Creek.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- Ordinary High Water Mark indicated by:       High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input checked="" type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation                | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- Mean High Water Mark indicated by:  
 survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.  
 Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
 Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
 The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  
 Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.  
 Data sheets prepared/submitted by or on behalf of the applicant.  
 This office concurs with the delineation report, dated June 13, 2005, prepared by (company): Ecological Solutions, LLC  
 This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 Data sheets prepared by the Corps.  
 Corps' navigable waters' studies:  
 U.S. Geological Survey Hydrologic Atlas:  
 U.S. Geological Survey 7.5 Minute Topographic maps: Poughkeepsie  
 U.S. Geological Survey 7.5 Minute Historic quadrangles:  
 U.S. Geological Survey 15 Minute Historic quadrangles:  
 USDA Natural Resources Conservation Service Soil Survey:  
 National wetlands inventory maps:  
 State/Local wetland inventory maps:  
 FEMA/FIRM maps (Map Name & Date):  
 100-year Floodplain Elevation is: 175 feet (NGVD)  
 Aerial Photographs (Name & Date):  
 Other photographs (Date):  
 Advanced Identification Wetland maps:  
 Site visit/determination conducted on: August 9, 2005  
 Applicable/supporting case law:  
 Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2005-00645

**PROJECT LOCATION INFORMATION:**

State: New Jersey  
County: Hudson  
Center coordinates of site (latitude/longitude): lat:40-46-27.9840 lon:74-3-27.0000  
Approximate size of area (parcel) reviewed, including uplands: 3.47 acres.  
Name of nearest waterway: Haekensack River  
Name of watershed: HACKENSACK RIVER

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): August 17, 2005

**Jurisdictional Determination (JD):**

- Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:
- There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.05 acres.
- There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .
- There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.  
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) - (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The upper portion of Penhorn Creek is located behind a tidegate, however, under 33 CFR 329.9(a) Penhorn Creek is considered "Navigable in Law". The site includes a portion of Penhorn Creek and associated emergent wetlands. Penhorn Creek is a tributary to the Hackensack River.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- |  |  |
|--|--|
| <input type="checkbox"/> Ordinary High Water Mark indicated by:    | <input type="checkbox"/> High Tide Line indicated by:              |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:                                    |  |

Mean High Water Mark indicated by:

- survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated June 2005, prepared by (company): Neglia Engineering Associates
- This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company): \_\_\_\_\_
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps: Weehawken
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- Aerial Photographs (Name & Date):
- Other photographs (Date):
- Advanced Identification Wetland maps:
- Site visit/determination conducted on: August 17, 2005
- Applicable/supporting case law:
- Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2005-00675

**PROJECT LOCATION INFORMATION:**

State: New Jersey  
County: Bergen  
Center coordinates of site (latitude/longitude): lat:40-49-14.9880 lon:74-5-44.9880  
Approximate size of area (parcel) reviewed, including uplands: 11.54 acres.  
Name of nearest waterway: Hackensack River  
Name of watershed: HACKENSACK RIVER

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): August 17, 2005

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.81 acres.

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The unnamed drainage ditches on site and the associated wetlands drain to Berry's Creek, a tidal tributary to the Hackensack River.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- |  |  |
|--|--|
| <input type="checkbox"/> Ordinary High Water Mark indicated by:    | <input type="checkbox"/> High Tide Line indicated by:              |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:                                    |  |

Mean High Water Mark indicated by:

- survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: EcolSciences, Inc.

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated July 8, 2005, prepared by (company): EcolSciences, Inc.
- This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company): \_\_\_\_\_
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
  - U.S. Geological Survey 7.5 Minute Topographic maps: Weehawken
  - U.S. Geological Survey 7.5 Minute Historic quadrangles:
  - U.S. Geological Survey 15 Minute Historic quadrangles:
  - USDA Natural Resources Conservation Service Soil Survey:
  - National wetlands inventory maps:
  - State/Local wetland inventory maps:
  - FEMA/FIRM maps (Map Name & Date):
  - 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
  - Aerial Photographs (Name & Date):
  - Other photographs (Date):
  - Advanced Identification Wetland maps:
  - Site visit/determination conducted on: August 17, 2005
  - Applicable/supporting case law:
  - Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2005-00784

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site (latitude/longitude): lat:41-19-26.0040 lon:74-7-17.1120  
Approximate size of area (parcel) reviewed, including uplands: 2.457 acres.  
Name of nearest waterway: Woodbury Creek  
Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): September 28, 2005

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:*

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- Ordinary High Water Mark indicated by:
- clear, natural line impressed on the bank
  - the presence of litter and debris
  - changes in the character of soil
  - destruction of terrestrial vegetation
  - shelving
  - other:
- High Tide Line indicated by:
- oil or seum line along shore objects
  - fine shell or debris deposits (foreshore)
  - physical markings/characteristics
  - tidal gages
  - other:
- Mean High Water Mark indicated by:
- survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.
- Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):
  - This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
  - U.S. Geological Survey 7.5 Minute Topographic maps:
  - U.S. Geological Survey 7.5 Minute Historic quadrangles:
  - U.S. Geological Survey 15 Minute Historic quadrangles:
  - USDA Natural Resources Conservation Service Soil Survey:
  - National wetlands inventory maps:
  - State/Local wetland inventory maps:
  - FEMA/FIRM maps (Map Name & Date):
  - 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
  - Aerial Photographs (Name & Date):
  - Other photographs (Date):
  - Advanced Identification Wetland maps:
  - Site visit/determination conducted on: September 28, 2005
  - Applicable/supporting case law:
  - Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2005-00865

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Dutchess  
Center coordinates of site (latitude/longitude): lat:41-37-49.8360 lon:73-52-10.6680  
Approximate size of area (parcel) reviewed, including uplands: 9.88 acres.  
Name of nearest waterway: Unnamed Tributary to Wappinger Creek  
Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination  Date:  
Site visit(s)  Date(s): August 11, 2005

**Jurisdictional Determination (JD):**

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.82 acres.

*There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Wetlands include intermittent stream which is an unnamed tributary to Wappinger Creek, which flows to the Hudson River, which is navigable.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- Ordinary High Water Mark indicated by:       High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input checked="" type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input checked="" type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation                | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- Mean High Water Mark indicated by:  
 survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.  
 Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
 Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
 The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - Artificial lakes and ponds created by excavating and/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 and/or diking dry land to retain water for primarily aesthetic reasons.
  - Water-filled 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 waters of the United States found at 33 CFR 328.3(a).
  - Isolated, intrastate wetland with no nexus to interstate commerce.
  - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.  
 Data sheets prepared/submitted by or on behalf of the applicant.  
 This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):  
 This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- Data sheets prepared by the Corps.  
 Corps' navigable waters' studies:  
 U.S. Geological Survey Hydrologic Atlas:  
 U.S. Geological Survey 7.5 Minute Topographic maps: Pleasant Valley, NY  
 U.S. Geological Survey 7.5 Minute Historic quadrangles:  
 U.S. Geological Survey 15 Minute Historic quadrangles:  
 USDA Natural Resources Conservation Service Soil Survey:  
 National wetlands inventory maps: Pleasant Valley, NY  
 State/Local wetland inventory maps: Pleasant Valley, NY  
 FEMA/FIRM maps (Map Name & Date):  
 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
 Aerial Photographs (Name & Date):  
 Other photographs (Date):  
 Advanced Identification Wetland maps:  
 Site visit/determination conducted on: August 11, 2005  
 Applicable/supporting case law:  
 Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.