

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2003-01349
DATE OF DETERMINATION: August 2, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: May 11, 2005
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Dutchess
 Center coordinates of site by latitude & longitude coordinates: lat:41-38-42.0000 lon:73-54-54.0000
 Approximate size of site/property (including uplands) in acres: 347.8
 Name of waterway or watershed: Hudson River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.57								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R
APPLICATION NO. 2003-01349**

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions: A portion of the site is occupied by the Casperkill Country Club, with the remaining portion undeveloped.

Total acreage of site: 347.8 acres

The jurisdictional waters on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM, PF01, PSS, POW

Total acres of jurisdictional waters on site: 14.04 acres.

Position of jurisdictional waters in landscape and watershed: Headwaters

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The western portion of the site is occupied by the Casperkill Golf Club, two abandoned firing ranges are located in the central portion of the site, and the majority of the eastern portion of the site is forested and undeveloped. A powerline right-of-way extends through the west central portion of the site.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1-3 (Wetlands M, N and S) (If more than one water, copy entire section for each)

The NJD aquatic resources on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PF01 and PEM

Acres of this NJD aquatic resource within property: 0.57 acres (Wetland M = 0.25, Wetland N = 0.04, and Wetland S = 0.28)

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetlands M, N and S appeared to be wetland depressions, and were not located adjacent to other jurisdictional waters of the United States on site. No visible surface water connections were noted entering or exiting these areas.

The aquatic resource X₁ is is not located completely within the project site.

The aquatic resource is X₁ is not connected to waters of the U.S. by X₁ a surface channel
X₁ underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X₁ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2004-00743
DATE OF DETERMINATION: August 10, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: September 20, 2004
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Schenectady
 Center coordinates of site by latitude & longitude coordinates: lat:42-53-54.9960 lon:73-56-21.9840
 Approximate size of site/property (including uplands) in acres: 51.36 acres
 Name of waterway or watershed: Unnamed Tributary to Alplaus Kill

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.70								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?			X		
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2004-00743

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 51.36

The jurisdictional waters on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO/PSS/PEM

Total acres of jurisdictional waters on site: 4.87

Position of jurisdictional waters in landscape and watershed:

Waters of the United States on the site area associated with unnamed tributaries to the Alplaus Kill, which drains to the Mohawk River, a navigable waterway.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site is primarily undeveloped forest with a network of woods roads.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PSS

Acres of this NJD aquatic resource within property: 0.15 and 0.01

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetlands 9 and 10 are encompassed by upland vegetation and non-hydric soils. No inlets or outlets were observed within these areas. The nearest waters of the United States is approximately 150 feet away to the north.

The aquatic resource is is not located completely within the project site.

The aquatic resource is is not connected to waters of the U.S. by a surface channel

underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water #s 2 through 7

The NJD aquatic resources on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.03, 0.03, 0.06, 0.02, 0.13 and 0.17

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetlands 4, 5, 12, 13, 14 and 15 have established within forest roads on the site. The areas are encompassed by upland vegetation and non-hydric soils. No inlets or outlets were observed within these areas. The nearest waters of the United States is approximately 25 feet away to the west.

The aquatic resource is is not located completely within the project site.

The aquatic resource is is not connected to waters of the U.S. by a surface channel

underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

Isolated, intra-state water # 8

The NJD aquatic resources on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.10

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Wetlands 18 is encompassed by upland vegetation and non-hydric soils. No inlets or outlets were observed within this area. The nearest waters of the United States is approximately 100 feet away to the north.

The aquatic resource is is not located completely within the project site.

The aquatic resource is is not connected to waters of the U.S. by a surface channel

underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2003-01118
DATE OF DETERMINATION: August 19, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: February 13, 2003
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Richmond
 Center coordinates of site by latitude & longitude coordinates: lat:40-33-48.9960 lon:74-10-12.0000
 Approximate size of site/property (including uplands) in acres 55
 Name of waterway or watershed: Arthur Kill

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.021								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?	X				
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2003-01118

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 55

The jurisdictional waters on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM

Total acres of jurisdictional waters on site: 9.4

Position of jurisdictional waters in landscape and watershed: Approximately 800-feet south of the existing Richmond Creek/ Arthur Kill wetland system.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Substantial development in the southern portion of the site and a large expanse of tidal wetland at the northern portion of the site.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1

The NJD aquatic resources on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.021

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

There is no hydrological connection to waters of the United States and Wetland "C" is approximately 800-feet south of the nearest jurisdictional wetland. Vegetation notably absent, that occurred in the jurisdictional wetlands, includes *Spartina alterniflora*, *Spartina patens*, and *Baccharis halimifolia*. No overstory as well.

The aquatic resource is is not located completely within the project site.

The aquatic resource is is not connected to waters of the U.S. by a surface channel

underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2003-01362
DATE OF DETERMINATION: August 19, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
 At the project site (Y/N) Y **Date:** December 1, 2004, May 24, 2005

PROJECT LOCATION INFORMATION:

State: New York
 County: Dutchess
 Center coordinates of site by latitude & longitude coordinates: lat:41-50-18.9960 lon:73-55-36.0120
 Approximate size of site/property (including uplands) in acres: 43.1
 Name of waterway or watershed: Hudson River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.19								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved **X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2003-01362

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 43.12 acres

The jurisdictional waters on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO1, PSS, PEM

Total acres of jurisdictional waters on site: 3.9 acres.

Position of jurisdictional waters in landscape and watershed: The site is located within one mile of the Hudson River, and generally consists of ridge and valley topography. The site is undeveloped and an unnamed tributary to Indian Creek extends through the site. Indian Creek is a tributary to the Hudson River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO1, PSS, PEM

Acres of this NJD aquatic resource within property: 0.19

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

The area appears to be a wetland depression surrounded by uplands, with no surface water conveyances entering or exiting the area.

The aquatic resource is is not located completely within the project site.

The aquatic resource is is not connected to waters of the U.S. by a surface channel

underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2005-00206
DATE OF DETERMINATION: August 19, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: May 2, 2005
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New Jersey
 County: Hudson
 Center coordinates of site by latitude & longitude coordinates: lat:40-48-51.0120 lon:74-1-6.9960
 Approximate size of site/property (including uplands) in acres: 14.45
 Name of waterway or watershed: Hackensack River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.1								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2005-00206

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions: Site is currently undeveloped and forested.

Total acreage of site: 14.45 acres

The jurisdictional waters on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: _____

Total acres of jurisdictional waters on site: _____

Position of jurisdictional waters in landscape and watershed:

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM, PFO1

Acres of this NJD aquatic resource within property: 0.1 acres

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): Wetland depressions surrounded by uplands with no surface water conveyances connected to jurisdictional waters of the United States.

Wetland depression surrounded by uplands with no surface water conveyances connected to jurisdictional waters of the United States.

The aquatic resource is is not located completely within the project site.

The aquatic resource is is not connected to waters of the U.S. by a surface channel

underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2005-00460
DATE OF DETERMINATION: August 19, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: May 19, 2005
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Dutchess
 Center coordinates of site by latitude & longitude coordinates: lat:41-29-49.9920 lon:73-58-50.0160
 Approximate size of site/property (including uplands) in acres 12.39 acres
 Name of waterway or watershed: Hudson River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		2.39							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Oocur	Not Expected to Oocur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?			X		
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**CENAN-OP-R
APPLICATION NO. 2005-00460**

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions: Site was formerly utilized by the Nabisco Company, two right-of-ways extend through the site. A portion of the site was excavated to allow for the expansion of the Nabisco Company, but was never built. An unnamed drainage ditch extends through the site and discharges to the Hudson River. The majority of the site is forested and undeveloped.

Total acreage of site: 12.39 acres.

The jurisdictional waters on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification:

Total acres of jurisdictional waters on site: 0.36

Position of jurisdictional waters in landscape and watershed: An unnamed drainage ditch which extends through the site, and discharges to the Hudson River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site is located adjacent to the Dia Beacon Museum. The site is undeveloped and forested except for the historic excavation area noted above.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

The NJD aquatic resources on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM, PFO1, PSS

Acres of this NJD aquatic resource within property: 2.39 acres.

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

The area designated as "Wetland C" consists of palustrine forested, scrub shrub and emergent wetlands. This wetland area appears to have developed as a result of the historic construction activities, as the surrounding area consists of an earthen berm which was formed by the soils that were excavated from the construction area. No visible surface water connections were noted entering or exiting this wetland area.

The aquatic resource X₁ is is not located completely within the project site.

The aquatic resource is X₁ is not connected to waters of the U.S. by X₁ a surface channel

X₁ underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X₁ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.

**INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
 CORPS OF ENGINEERS**

DISTRICT OFFICE: New York District
FILE NUMBER: 2003-01356
DATE OF DETERMINATION: August 26, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: 11/17/04
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Dutchess
 Center coordinates of site by latitude & longitude coordinates: lat:41-40-4.0080 lon:73-48-12.9960
 Approximate size of site/property (including uplands) in acres 191.16
 Name of waterway or watershed: Unnamed Tributary to Sprout Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.24								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

CENAN-OP-R
APPLICATION NO. 2003-01356

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 191.16

The jurisdictional waters on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PEM, PSS, PFO

Total acres of jurisdictional waters on site: 53.66

Position of jurisdictional waters in landscape and watershed:

Low-lying areas associated with intermittent and perennial streams

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.):

Abandoned farm

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (Wetland C)

The NJD aquatic resources on site consist of (check as many as are appropriate):

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): _____

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.24

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features):

Small area, located approximately 300 feet from and 22 feet higher in elevation than nearest waters of U.S.

The aquatic resource X is is not located completely within the project site.

The aquatic resource is X is not connected to waters of the U.S. by a surface channel

underground culvert other means (identify) by which water could flow between the two:

The aquatic resource is X is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary system.