

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: 2004-00960
DATE OF DETERMINATION: January 5, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:**
At the project site (Y/N) Y **Date:** 21 October 2004

PROJECT LOCATION INFORMATION:
 State: New York
 County: Schenectady
 Center coordinates of site by latitude & longitude coordinates: lat:42-46-14.8080 lon:74-11-53.4120
 Approximate size of site/property (including uplands) in acres: 87.75
 Name of waterway or watershed: Unnamed tributary to Normans 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		1.07							
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):

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APPLICATION NO. 2004-00960

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 87.75

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: 13.8

Position of jurisdictional waters in landscape and watershed:

Wetlands are associated with an unnamed tributary system to the Normans Kill, which ultimately discharges to the Hudson River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): A mix of undisturbed forested land, fallow agricultural fields, and light residential development.

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/PSS

Acres of this NJD aquatic resource within property: 1.07

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 wetlands are small depressional areas within fallow agricultural fields. No discernable inlets or outlets were observed within the wetlands. Each wetland is encompassed by areas dominated by upland vegetation, and devoid of wetland soils and hydrology.

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.

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CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2003-01340
DATE OF DETERMINATION: January 6, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:**
At the project site (Y/N) Y **Date:** 13OCT04

PROJECT LOCATION INFORMATION:

State: New York
 County: Dutchess
 Center coordinates of site by latitude & longitude coordinates: lat:41-39-42.0120 lon:73-50-6.0000
 Approximate size of site/property (including uplands) in acres: 76.322
 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	0.45								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									
¹ Check 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						
¹ Check 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):

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APPLICATION NO. 2003-01340

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 76.322

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, PSS1, PEM1

Total acres of jurisdictional waters on site: 14.01

Position of jurisdictional waters in landscape and watershed:

The jurisdictional waters on this site are situated within a matrix of mixed uses including developed (agriculture and residential) and relatively undeveloped land (i.e., old-field and mixed hardwood forest). The site in question has been partially developed by previous owners who roughed-in a road network in the 1960s, which fragmented a once-contiguous wetland. The site is also situated above the 100-year floodplain. Despite these past human disturbances, the aquatic and upland resources on this property still appear to be fully functioning systems.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): **This property as discussed above is relatively undeveloped (agriculture and mixed hardwood forest) to suburban/exurban.**

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (Wetland "B")

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/PSS1

Acres of this NJD aquatic resource within property: 0.03

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):

This "wetland" resembled more open waterbody characteristics than wetland characteristics and could, therefore, be described as a small pond (because it was filled with water) with fringing forested and scrub-shrub wetlands. Nevertheless, the applicant's maps label this aquatic resource a wetland; so to avoid confusion this office decided to maintain the applicant's convention. This wetland appears to have been manmade, perhaps a borrow pit. This pit appears to have been excavated out of the toe of an existing hill slope. No FEMA 100-year floodplain exists on the property and there appeared to be no surface water connection to any jurisdictional area identified on the property. Despite its close proximity to Wetland "A" (a jurisdictional wetland approximately 100 feet away) it did not seem to meet the current criteria for an adjacent wetland. Therefore, this wetland was not included with other areas considered to be 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.

Isolated, intra-state water #2 (Wetland "G")

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/PSS1

Acres of this NJD aquatic resource within property: 0.15

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):

This "wetland" resembled more open waterbody characteristics than wetland characteristics and could, therefore, be described as a small elongated pond (because it was filled with water) with fringing forested and scrub-shrub wetlands. Nevertheless, the applicant's maps label this aquatic resource a wetland; so to avoid confusion this office decided to maintain the applicant's convention. This wetland appears to have been manmade, perhaps a borrow pit. No FEMA 100-year floodplain exists on the property and there appeared to be no surface water connection to any jurisdictional area identified on the property. Despite its close proximity to Wetland "E" (a jurisdictional wetland approximately 100 feet away) it did not seem to meet the current criteria for an adjacent wetland. Therefore, this wetland was not included with other areas considered to be waters of the United States.

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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.

Isolated, intra-state water #3 (Wetland "H")

The NJD aquatic resources on site consist of (check as many as are appropriate):
 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: PFO1

Acres of this NJD aquatic resource within property: 0.25

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):

This wetland was found to be situated in a flat area relatively close to two small hillsides, which likely contribute to its hydrology. Small braided stream channels (dry at the time of inspection) could be seen existing the northwestern edge of this wetland, as expected from the topography. However, these dendritic patterns (evidence of an ordinary high water mark) ceased to be apparent approximately 75 feet to the northwest of flag numbers #558 and #559, and at least 200 feet from jurisdictional Wetland "D". No other hydrologic outputs were observed along the wetland's boundary. Furthermore, no FEMA-approved 100-year floodplain exists on this property. Thus, despite its proximity to Wetland "D", this wetland did not seem to meet the current criteria for an adjacent wetland. Therefore, this wetland should be considered a non-jurisdictional isolated, intra-state wetland, and not a waters of the United States.

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.

Isolated, intra-state water #4 (Wetland "K")

The NJD aquatic resources on site consist of (check as many as are appropriate):
 Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: PSS1/PEM1

Acres of this NJD aquatic resource within property: 0.02

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):

This wetland appears to have formed as a result of past human activities on this property, perhaps the vestige of an abandoned (i.e., not maintained) roadside ditch. Discontinuities in the "ditch" cast sufficient doubt on any likelihood that Wetland "K" was, in fact, hydrologically connected to jurisdictional Stream #4. In addition, no FEMA 100-year floodplain exists on the property and despite its proximity to Stream #4 (waters of the US approximately 400 feet away) it does not seem to meet the current criteria for an adjacent wetland. Therefore, this wetland was not included with the other areas considered to be waters of the United States.

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.

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 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: 2004-00794
DATE OF DETERMINATION: January 12, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: 5 October 2004
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Columbia
 Center coordinates of site by latitude & longitude coordinates: lat:42-17-35.9880 lon:73-42-38.9880
 Approximate size of site/property (including uplands) in acres 9.6
 Name of waterway or watershed: Fitting 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	0.45								
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. 2004-00794

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 9.6

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, PFO

Total acres of jurisdictional waters on site: 1.83

Position of jurisdictional waters in landscape and watershed: Wetlands on the site area associated with an unnamed tributary to Fitting Creek.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site is comprised of mowed lawn areas, forested and emergent wetlands. The area surrounding the site is comprised of buildings, runways, and mowed lawn areas associated with a municipal airport facility.

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: 0.032

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 wetland is located within a mowed field. The area appears to have developed as a result of past construction activities. The area is approximately 70 feet from the nearest waters of the United States and has no discernable connection.

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.

Isolated, intra-state water # 2

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: 0.42

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 wetland is located within a mowed field. The area appears to have developed as a result of past construction activities. The area is approximately 150 feet from the nearest waters of the United States and has no discernable connection.

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.

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CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2003-01288
DATE OF DETERMINATION: January 24, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
At the project site Y Date: July 19, 2004
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York
County: Albany
Center coordinates of site by latitude & longitude coordinates: lat:42-33-39.8160 lon:73-48-0.0000
Approximate size of site/property (including uplands) in acres 3.19
Name of waterway or watershed: Vloman 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		1.59							
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):

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APPLICATION NO. 2003-01288

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: _____

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: 3.19 _____

Position of jurisdictional waters in landscape and watershed:

Wetlands on the site are associated with unnamed tributaries to the Vlomans Kill, a tributary to the Hudson River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site is comprised of fallow agricultural fields.

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: 0.42 _____

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 wetland is a depressional area within a fallow agricultural field. Upland soils and vegetation encompass the wetland area.

The nearest waters of the United States is approximately 100 feet away.

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.

Isolated, intra-state water # 2

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: 0.07 _____

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 wetland is a depressional area within a fallow agricultural field. Upland soils and vegetation encompass the wetland area.

The nearest water of the United States is approximately 150 feet away.

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.

Isolated, intra-state water # 3

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: 0.09 _____

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 wetland is a depressional area within a fallow agricultural field. Upland soils and vegetation encompass the wetland area.

The nearest water of the United States is approximately 280 feet away.

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.

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Isolated, intra-state water # 4

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: 0.54 _____

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 wetland is a depressional area within a fallow agricultural field. Upland soils and vegetation encompass the wetland area.

The nearest water of the United States is approximately 280 feet away.

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.

Isolated, intra-state water # 5

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: 0.19 _____

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 wetland is a depressional area within a fallow agricultural field. Upland soils and vegetation encompass the wetland area.

The nearest water of the United States is approximately 550 feet away.

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.

Isolated, intra-state water # 6

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: 0.15 _____

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 wetland is a depressional area within a fallow agricultural field. Upland soils and vegetation encompass the wetland area.

The nearest water of the United States is approximately 600 feet away.

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.

Isolated, intra-state water # 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: 0.13 _____

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 wetland is a depressional area within a fallow agricultural field. Upland soils and vegetation encompass the wetland area.

The nearest water of the United States is approximately 450 feet away.

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.

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CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2004-00111
DATE OF DETERMINATION: January 24, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
At the project site Y Date: May 19, 2004
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York
County: Ulster
Center coordinates of site by latitude & longitude coordinates: lat:41-36-1.2600 lon:73-58-42.6360
Approximate size of site/property (including uplands) in acres 6.29
Name of waterway or watershed: Unnamed Tributary to Lattintown 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	0.134								
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. 2004-00111

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 6.29

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: PSS1C

Total acres of jurisdictional waters on site: 0.031

Position of jurisdictional waters in landscape and watershed: Depressional area

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

Mining

2. Rationale Used To Determine NJD:

Isolated, intra-state water #s 1 and 2 (A and 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: PSS1C

Acres of this NJD aquatic resource within property: 0.132

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):

Located in depressional area, impounded against South Street. Approximately 300 feet from nearest waters of U.S.

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 # 3 (D)

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: PEM1C

Acres of this NJD aquatic resource within property: 0.002

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):

Located in depressional area, approximately 80 feet from and 7 feet higher in elevation than nearest waters of U.S.

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: 2004-00562
DATE OF DETERMINATION: January 25, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: 7/9/04
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Albany
 Center coordinates of site by latitude & longitude coordinates: lat:42-35-43.0440 lon:74-7-16.4640
 Approximate size of site/property (including uplands) in acres: 61.5
 Name of waterway or watershed: Unnamed Tributary To Switz 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	0.62								
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. 2004-00562

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 61.5

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: 3.45

Position of jurisdictional waters in landscape and watershed:

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

The site is located at the top of a hill at the end of Game Farm Road. A previous site owner had operated the site as a game farm and there are some buildings existing on the site, including a main lodge, residences and buildings that supported the game farm operations. Active agriculture (mainly hay production) is currently ongoing in portions of the 358-acre site. In general, the site is primarily undeveloped and forested, with open fields, meadows, ponds and streams. A State Forest borders the project site to the east. All of the jurisdictional waters on the site (with the exception of one vernal pool type wetland) were directly connected to unnamed tributaries to the Switz Kill, which flows into Fox Creek, Schoharie Creek, and eventually the Mohawk River. The vernal pool (0.001 acre) was determined to be adjacent to the pond in that it was located less than 10 feet from the pond's edge, and appeared to be directly influenced by the water table of the pond.

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: _____

Acres of this NJD aquatic resource within property: 0.017

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 9 (0.017 acres): This area originated as a small swale from a culvert under a driveway. It then drained downhill about 60 feet to a flat area, opened up into a small wetland (approximately 40 feet by 10 feet in size), and then re-narrowed to a swale (about 60 feet long), and then disappeared, probably as seepage into the ground, with no further evidence of drainage patterns, hydric soils or hydrophytic vegetation. This area apparently was created to drain water away from the front yard of a house and direct it towards Game Farm Road.

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 #2

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: _____

Acres of this NJD aquatic resource within property: 0.388

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 1 (0.388 acres): This emergent wetland is a depression within a hay field. It is completely surrounded by large upland areas, with no down gradient or up-gradient wetlands, streams or any other aquatic area in close proximity. Dominant vegetation in this area included Reed Canary Grass, Soft Rush, Vetch, and Goldenrod species. It should be noted that the consultant's delineation report stated that Wetland 1 had shallow bedrock (approximately 20 inches in depth), which would help explain the existence of the wetland.

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.

CENAN-OP-R
APPLICATION NO. 2004-00562

Isolated, intra-state water #3

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: _____

Acres of this NJD aquatic resource within property: 0.073 _____

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 11 (0.073 acres): This emergent wetland is also a depression within a hay field completely surrounded by large upland areas, with no down gradient or up-gradient wetlands, streams or any other aquatic area in close proximity. Dominant vegetation in this wetland included Reed Canary Grass, Soft Rush, Vetch, and Goldenrod species. No bedrock data was provided for Wetland 11.

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 #4

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: _____

Acres of this NJD aquatic resource within property: 0.143 _____

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 5A (0.143 acres): This wetland was a forested /shrub wetland which was located down-gradient from a hay field and appeared to collect most of its drainage from drainage tile through a 4-inch pipe from the field. The hydrology then spread out into a flat area where water-stained leaves and hydrophytic vegetation were present (Elm, Jewelweed, Green Ash). The wetland was situated along a shelf at the top of a ravine where a small perennial stream existed. A 20-80 foot wide area of upland separated this wetland from the top of the ravine, and no defined drainage pattern was observed that might have carried water from this wetland into the stream.

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: 1993-03441
DATE OF DETERMINATION: January 31, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Yes Date:
At the project site Yes Date: July 8, 2004
(Y/N)

PROJECT LOCATION INFORMATION:

State: New Jersey
County: Hudson
Center coordinates of site by latitude & longitude coordinates: lat:40-45-0.0000 lon:74-4-0.1200
Approximate size of site/property (including uplands) in acres: 51.77
Name of waterway or watershed: Penhorn 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	0.27								
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. 1993-03441

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 51.77

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: 1.44

Position of jurisdictional waters in landscape and watershed:

Jurisdictional areas in project study area are within tributaries or Penhorn Creek or its adjacent wetlands.

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

Developed commercial area next to Croxton Railroad Yards and the New Jersey Turnpike.

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: 0.05

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 isolated areas shown by flags I01 to I08 of 0.02 acres and J01 to J12 of 0.03 acres were located within filled areas that are at higher elevations and separated from hydrological connections to Penhorn Creek.

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: 2002-00412
DATE OF DETERMINATION: January 31, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:**
At the project site (Y/N) Y **Date:** October 17, 2002

PROJECT LOCATION INFORMATION:

State: New York
 County: Dutchess
 Center coordinates of site by latitude & longitude coordinates: lat:41-35-57.3000 lon:73-41-2.7600
 Approximate size of site/property (including uplands) in acres: 31.41
 Name of waterway or watershed: Unnamed Tributary to Whaley Lake Stream

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		2.7							
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. 2002-00412

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 31.41

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: 7.04

Position of jurisdictional waters in landscape and watershed:

Wetlands associated with stream channel and groundwater discharge from hillside.

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

Abandoned agricultural

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (Wetland 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: 2.7

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 located in low spot between hills, approximately 400 feet from and 8 feet higher in elevation than nearest waters of U.S.

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: 2002-00531
DATE OF DETERMINATION: January 31, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:**
At the project site (Y/N) Y **Date:** March 15, June 2 2004

PROJECT LOCATION INFORMATION:

State: New York
 County: Albany
 Center coordinates of site by latitude & longitude coordinates: lat:42-39-0.0000 lon:73-51-50.0040
 Approximate size of site/property (including uplands) in acres: 33.5
 Name of waterway or watershed: Normans 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	0.10								
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. 2002-00531

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 33.5 _____

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: riverine emergent forested _____

Total acres of jurisdictional waters on site: 5.42 _____

Position of jurisdictional waters in landscape and watershed: _____

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

The site is predominantly undisturbed and borders the Normans Kill. Part of the site is within the 100-year floodplain of the Normans Kill. The site, including the floodplain, is mostly forested. There are some minor, and one more significant unnamed, tributaries which have their confluence with the Normans Kill on the subject 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: _____

Acres of this NJD aquatic resource within property: 0.10 acre _____

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 consultant had designated one wetland area as isolated. This wetland, referred to as "wetland A" is located along Blessing Road and consists of 0.10 acre. It is in a depressional area and has no culverts, hydric soils or other aquatic connection to any other water. In fact there are no other wetlands or other waters located within at least 300 feet of this wetland. This wetland appears to have been incidentally created as a result of construction or upgrading to Blessing Road - as evidenced by remnant gravel piles, presence of invasive vegetation and its immediate proximity to the road.

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: 2003-00840
DATE OF DETERMINATION: January 31, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: September 24, 2003
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Orange
 Center coordinates of site by latitude & longitude coordinates: lat:41-20-32.2440 lon:74-17-23.7480
 Approximate size of site/property (including uplands) in acres 75.44
 Name of waterway or watershed: Unnamed Tributary to Black Meadow 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	0.11								
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. 2003-00840

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 75.44

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: PSS, PEM

Total acres of jurisdictional waters on site: 13.87

Position of jurisdictional waters in landscape and watershed:

One wetland associated with intermittent and perennial streams. Second wetland impounded against railroad bed.

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

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: 0.11

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):

Excavated area, perched, approximately 175 feet from nearest waters of U.S.

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.