

**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: 2000-00976-1
DATE OF DETERMINATION: June 9, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:**
At the project site (Y/N) Y **Date:** July 23, 2003

PROJECT LOCATION INFORMATION:

State: New York
 County: Dutchess
 Center coordinates of site by latitude & longitude coordinates: lat:41-47-38.6880 lon:73-55-4.0080
 Approximate size of site/property (including uplands) in acres: 71.73
 Name of waterway or watershed: Crum Elbow 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				6.419					
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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ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 71.73

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: PEM1Fh, PFO1E, PSS1E, PUB1Fh, R3UBH

Total acres of jurisdictional waters on site: 7.267

Position of jurisdictional waters in landscape and watershed:

Two waters located below headwaters of Crum Elbow Creek. Rest of waters located above headwaters.

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

Property formerly logged and mined.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (AA)

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: PFO1E

Acres of this NJD aquatic resource within property: 0.005

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):

Approximately 150 feet from and 10 feet higher in elevation than nearest water 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 # 2 (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: PFO1E

Acres of this NJD aquatic resource within property: 0.004

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):

Approximately 30 feet from and 2 feet higher in elevation than nearest water 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 (G,Q,R)

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: PFO1E

Acres of this NJD aquatic resource within property: 0.894

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):

Approximately 60 feet from and 3 feet higher in elevation than nearest water 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.

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Isolated, intra-state water # 4 (J)

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: PFO1E

Acres of this NJD aquatic resource within property: 0.325

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):

Approximately 400 feet from the nearest waters of the U.S. and is separated by a hill, 4 feet higher in elevation.

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 # 5 (K)

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: PFO1E

Acres of this NJD aquatic resource within property: 1.050

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):

Approximately 250 feet from the nearest waters of the U.S. and is separated by a hill, 10 feet higher in elevation.

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 6 (M) and 7 (SB)

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: PFO1E

Acres of this NJD aquatic resource within property: 0.848

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):

Approximately 225 feet from the nearest waters of the U.S. and is separated by a hill, 6 feet higher in elevation.

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 (N)

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: PFO1E

Acres of this NJD aquatic resource within property: 0.013

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):

Approximately 200 feet from and 14 feet higher in elevation than nearest water 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.

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Isolated, intra-state water # 9 (SA)

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: PSS1E

Acres of this NJD aquatic resource within property: 0.164

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):

Approximately 50 feet from and 1 foot higher in elevation than nearest water 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 # 10 (S,T)

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: PFO1E

Acres of this NJD aquatic resource within property: 1.444

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):

Approximately 90 feet from and 8 feet higher in elevation than nearest water 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.

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 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: 2003-00932
DATE OF DETERMINATION: June 1, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the site (Y/N) Y Date: October 14, 2003

PROJECT LOCATION INFORMATION:

State: New York
 County: Saratoga
 Center coordinates of site by latitude & longitude coordinates: lat:42-51-23.0040 lon:73-49-55.9920
 Approximate size of site/property (including uplands) in acres: 63.5
 Name of waterway or watershed: Unnamed Tributary to the Mohawk 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	0.35								
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. 2003-00932

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 63.5

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: PEM/PFO

Total acres of jurisdictional waters on site: 16.38

Position of jurisdictional waters in landscape and watershed:

groundwater slope wetlands, at the top of the watershed

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): some portions undeveloped, and some in recent agricultural use, with a small portion consisting of a private residence

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (Area C) (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: 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):

Groundwater slope area located approximately 40 feet in distance and 4 feet higher in elevation from the closest wetland in this subwatershed, and approximately 250 feet in distance and 10 feet in elevation from the closest tributary in this subwatershed

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 (Area E) (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: PSS

Acres of this NJD aquatic resource within property: 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):

Groundwater slope area located approximately 2000 feet in distance and 40 feet higher in elevation from the closest wetland in this subwatershed, and approximately 3000 feet in distance and 45 feet in elevation from the closest tributary in this subwatershed

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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 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: 2003-00987
DATE OF DETERMINATION: June 15, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:**
At the project site (Y/N) Y **Date:** November 12, 2003

PROJECT LOCATION INFORMATION:
 State: New York
 County: Orange
 Center coordinates of site by latitude & longitude coordinates: lat:41-31-13.4400 lon:74-11-27.2400
 Approximate size of site/property (including uplands) in acres: 42
 Name of waterway or watershed: Unnamed Tributary to Wallkill 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	0.06								
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. 2003-00987

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 42

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: PFO1E, PSS1E, PUBF~~x~~

Total acres of jurisdictional waters on site: 4.63

Position of jurisdictional waters in landscape and watershed:

Most wetlands adjacent to intermittent streams which flow through site.

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

Site bisected by railroad tracks. North of the railroad tracks, disturbed by past excavation likely associated with industrial development. South of the railroad tracks, relatively undisturbed and forested.

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: PFO1E

Acres of this NJD aquatic resource within property: 0.06

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 next to a large access road. Wetland is approximately 250 feet from and 4 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.

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 CORPS OF ENGINEERS**

DISTRICT OFFICE: New York District
FILE NUMBER: 2003-00988
DATE OF DETERMINATION: June 15, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:**
At the project site (Y/N) Y **Date:** November 6, 2003

PROJECT LOCATION INFORMATION:
 State: New York
 County: Orange
 Center coordinates of site by latitude & longitude coordinates: lat:41-31-14.4480 lon:74-11-54.3120
 Approximate size of site/property (including uplands) in acres: 10.3
 Name of waterway or watershed: Unnamed Tributary to Wallkill 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	0.51								
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. 2003-00988

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 10.3

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: PFO1E

Total acres of jurisdictional waters on site: 0.33

Position of jurisdictional waters in landscape and watershed:

Linear wetland with upland ridges on either side.

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

Site appears to have been previously disturbed in preparation for industrial 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: PEM1C

Acres of this NJD aquatic resource within property: 0.51

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 surrounded on all sides by uplands of higher elevation. Nearest water of U.S. approximately 400 feet away.

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: 2003-01136
DATE OF DETERMINATION: June 10, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
At the project site: Y Date: March 31, 2004
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York
County: Warren
Center coordinates of site by latitude & longitude coordinates: lat:43-20-6.4320 lon:73-43-30.9000
Approximate size of site/property (including uplands) in acres: 23.51
Name of waterway or watershed: Unnamed Wetland

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	X								
Mudflat									
Sandflat									
Wetlands	X								
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. 2003-01136

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 23.51

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

Position of jurisdictional waters in landscape and watershed:

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

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (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: PF

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):

Headwaters stream and wetlands in sandy soils; stream dissipates into the ground.

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: 2003-01188
DATE OF DETERMINATION: June 21, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:**
At the project site (Y/N) Y **Date:** November 20, 2003

PROJECT LOCATION INFORMATION:
 State: New York
 County: Orange
 Center coordinates of site by latitude & longitude coordinates: lat:41-20-46.3920 lon:74-28-56.8200
 Approximate size of site/property (including uplands) in acres: 19.8
 Name of waterway or watershed: Unnamed Tributary to Rutgers 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	0.96								
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. 2003-01188

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 19.8

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: PEM1C, PUBHx

Total acres of jurisdictional waters on site: 1.59

Position of jurisdictional waters in landscape and watershed:

Wetland located at bottom of hill, next to Carter Road.

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

Abandoned farm.

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: PEM1C

Acres of this NJD aquatic resource within property: 0.82

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):

Approximately 400 feet from and 16 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.

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: PEM1C

Acres of this NJD aquatic resource within property: 0.14

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):

Approximately 100 feet from and 4 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: 2004-00020
DATE OF DETERMINATION: June 28, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (N) N Date:
 At the project site Y Date: April 7, 2004

PROJECT LOCATION INFORMATION:

State: New York
 County: Westchester
 Center coordinates of site by latitude & longitude coordinates: lat:40-57-29.9880 lon:73-51-29.9880
 Approximate size of site/property (including uplands) in acres: 1410
 Name of waterway or watershed: Unnamed Tributary to 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		X							
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. 2004-00020**

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 1410

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: Herbaceous Layer

Total acres of jurisdictional waters on site: 3.26

Position of jurisdictional waters in landscape and watershed: Stream corridor

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

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1, 2 and 3 (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: Herbaceous layer

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): 1/2 mile from the waters of the US and at a higher elevation than the waters of the US

The aquatic resource is located completely within the project site.

The aquatic resource is not connected to waters of the U.S.

The aquatic resource is not a wetland considered to be adjacent to a surface tributary system.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #4, 5 and 6 (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: Herbaceous layer

Acres of this NJD aquatic resource within property: 0.70

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): 1/2 mile from the waters of the US and at a higher elevation than the waters of the US

The aquatic resource is located completely within the project site.

The aquatic resource is not connected to waters of the U.S.

The aquatic resource is not a wetland considered to be adjacent 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: 2004-00202
DATE OF DETERMINATION: June 1, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N **Date:**
At the project site (Y/N) Y **Date:** April 7, 2004

PROJECT LOCATION INFORMATION:

State: New York
 County: Montgomery
 Center coordinates of site by latitude & longitude coordinates: lat:42-56-18.2040 lon:74-12-21.8880
 Approximate size of site/property (including uplands) in acres: 27.2
 Name of waterway or watershed: Unnamed Tributary to Mohawk 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	0.28								
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. 2004-00202

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 27.2

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: 14.39

Position of jurisdictional waters in landscape and watershed:

Headwaters to an unnamed tributary system to the Mohawk River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Scrub-shrub wetlands and uplands within old agricultural fields adjacent to residential and commercial properties.

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 area is a narrow linear wetland that collects drainage from the surrounding upland. No discernable inlet or outlet was observed. The wetland is approximately 75 feet from a jurisdictional wetland. Soils and vegetation within the wetland were similar to those within the near by jurisdictional wetlands.

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: PEM

Acres of this NJD aquatic resource within property: 0.23

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 is a depressional wetland that collects drainage from the surrounding upland. No discernable inlet or outlet was observed. The wetland is approximately 25 feet from a jurisdictional wetland. Soils and vegetation within the wetland were similar to those within the near by jurisdictional wetlands.

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: 2004-00336
DATE OF DETERMINATION: June 29, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (N) N Date:
 At the project site Y Date: April 28, 2004

PROJECT LOCATION INFORMATION:

State: New York
 County: Westchester
 Center coordinates of site by latitude & longitude coordinates: lat:40-58-59.9880 lon:73-40-59.9880
 Approximate size of site/property (including uplands) in acres: 23
 Name of waterway or watershed: Unnamed Tributary to 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	X								
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. 2004-00336**

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 23

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

Pond Lake Stream Wetlands* Tidal Waters Other (identify type): None

* If wetlands are present, indicate Cowardin classification: _____

Total acres of jurisdictional waters on site: 0.

Position of jurisdictional waters in landscape and watershed: None

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

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1, 2 and 3 (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: Herbaceous layer

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): 1/4 mile from waters of the US.

The aquatic resource is located completely within the project site.

The aquatic resource is not connected to waters of the U.S.

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

2. Rationale Used To Determine NJD:

Isolated, intra-state water #4, 5 and 6 (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: Herbaceous layer

Acres of this NJD aquatic resource within property: 0.53

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): 1/4 mile from waters of the US.

The aquatic resource is located completely within the project site.

The aquatic resource is not connected to waters of the U.S.

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