

**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:** 2003-00257  
**REGULATORY PROJECT MANAGER:** James M. Cronin **Date:** 3/9/04  
**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:**  
**At the project site (Y/N)** Y **Date:** 7/1/03

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Dutchess  
 Center coordinates of site by latitude & longitude coordinates: 41-33-48 N 73-54-30 W  
 Approximate size of site/property (including uplands) in acres 43.38  
 Name of waterway or watershed: Unnamed tributary to Wappinger Creek

Type of Aquatic Resource <sup>1</sup> :	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	X								
Other Water (identify type)									

<sup>1</sup>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 <sup>1</sup>	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			

<sup>1</sup>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

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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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:** 2003-00248  
**REGULATORY PROJECT MANAGER:** Brian A. Orzel **Date:** 3/15/04  
**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:**  
**At the project site (Y/N)** Y **Date:**6/17/03

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Orange  
 Center coordinates of site by latitude & longitude coordinates: 41-27-38 N 74-31-56 W  
 Approximate size of site/property (including uplands) in acres: 27.95  
 Name of waterway or watershed: Unnamed Tributary to Shawangunk Kill

Type of Aquatic Resource <sup>1</sup> :	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)									

<sup>1</sup>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 <sup>1</sup>	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			

<sup>1</sup>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

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2003-01183  
**REGULATORY PROJECT MANAGER:** Brian A. Orzel **Date:** 3/15/04  
**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:**  
**At the project site (Y/N)** Y **Date:** 10/22/03

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Orange  
 Center coordinates of site by latitude & longitude coordinates: 41-29-48 N 74-02-53 W  
 Approximate size of site/property (including uplands) in acres: 53.54  
 Name of waterway or watershed: Quassaic Creek

Type of Aquatic Resource <sup>1</sup> :	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)									

<sup>1</sup>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 <sup>1</sup>	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			

<sup>1</sup>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

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2003-01201  
**REGULATORY PROJECT MANAGER:** Brian A. Orzel **Date:** 3/15/04  
**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:**  
**At the project site (Y/N)** Y **Date:** 12/9/03

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Orange  
 Center coordinates of site by latitude & longitude coordinates: 41-21-17 N 74-27-45 W  
 Approximate size of site/property (including uplands) in acres: 60  
 Name of waterway or watershed: Unnamed Tributary to Wallkill River

Type of Aquatic Resource <sup>1</sup> :	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)									

<sup>1</sup>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 <sup>1</sup>	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			

<sup>1</sup>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

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2003-01238  
**REGULATORY PROJECT MANAGER:** James H. Cannon **Date:** 3/15/04  
**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** **N** **Date:**  
**At the project site (Y/N)** **Y** **Date:** 11/26/03

**PROJECT LOCATION INFORMATION:**

State: New Jersey  
 County: Hudson  
 Center coordinates of site by latitude & longitude coordinates: 40-44-00 N 74-5-30 W  
 Approximate size of site/property (including uplands) in acres: 71.2  
 Name of waterway or watershed: Hackensack River

Type of Aquatic Resource <sup>1</sup> :	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)									

<sup>1</sup>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 <sup>1</sup>	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	

<sup>1</sup>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**

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2003-01241  
**REGULATORY PROJECT MANAGER:** James H. Cannon **Date:** 3/15/04  
**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:**  
**At the project site (Y/N)** Y **Date:** 12/3/03

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Dutchess  
 Center coordinates of site by latitude & longitude coordinates: 41-32-21 N 73-34-49 W  
 Approximate size of site/property (including uplands) in acres 149.8  
 Name of waterway or watershed: East Branch Croton River

Type of Aquatic Resource <sup>1</sup> :	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)									

<sup>1</sup>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 <sup>1</sup>	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	

<sup>1</sup>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

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2002-01041  
**REGULATORY PROJECT MANAGER:** Brian A. Orzel **Date:** 3/23/04  
**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:**  
**At the project site (Y/N)** Y **Date:** 11/20/02

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Sullivan  
 Center coordinates of site by latitude & longitude coordinates: 41-51-33 N 74-46-02 W  
 Approximate size of site/property (including uplands) in acres: 536  
 Name of waterway or watershed: Little Beaver Kill

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake	X								
River									
Stream	X							164	
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>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 <sup>1</sup>	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			

<sup>1</sup>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

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2003-00002  
**REGULATORY PROJECT MANAGER:** Brian A. Orzel **Date:** 3/23/04  
**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:**  
**At the project site (Y/N)** Y **Date:** 6/17/03

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Orange  
 Center coordinates of site by latitude & longitude coordinates: 41-33-26 N 74-11-53 W  
 Approximate size of site/property (including uplands) in acres: 15.1  
 Name of waterway or watershed: Unnamed Tributary to Walkkill River

Type of Aquatic Resource <sup>1</sup> :	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)									

<sup>1</sup>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 <sup>1</sup>	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			

<sup>1</sup>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

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2003-01096  
**REGULATORY PROJECT MANAGER:** Andrew Dangler **Date:** 3/26/04  
**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:**  
**At the project site (Y/N)** Y **Date:**10/20/03

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Rensselaer  
 Center coordinates of site by latitude & longitude coordinates: 42-36-32 N 73-43-7 W  
 Approximate size of site/property (including uplands) in acres 52.70  
 Name of waterway or watershed: Unnamed Tributary

Type of Aquatic Resource <sup>1</sup> :	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		X							
Sandflat									
Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>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 <sup>1</sup>	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	

<sup>1</sup>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**

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):