

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: 1999-01080
DATE OF DETERMINATION: March 17, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: April 29, 2003
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Schenectady
 Center coordinates of site by latitude & longitude coordinates: lat:42-46-0.1200 lon:73-58-30.0000
 Approximate size of site/property (including uplands) in acres 304.01
 Name of waterway or watershed: Unnamed Tributary to the 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	0.96								
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):

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ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 304.01

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: 121.57 acres.

Position of jurisdictional waters in landscape and watershed:

Groundwater slope wetlands, contiguous with several low-gradient headwaters tributaries to the Normans Kill, which is a tributary to the Hudson River

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Mostly undisturbed wetlands, intermixed with some areas previously in agricultural use on the site, including an area currently used for a horse farm, and surrounded by rural and residential uses on adjacent parcels.

2. Rationale Used To Determine NJD:

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

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

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

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.17

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

This wetland appeared to have no defined inlet or outlet. It is located within a groundwater, depressional area, surrounded by relatively undisturbed upland forest, which is located at land surface elevations approximately 2-3 feet higher than the average elevation within the wetland. The wetland is approximately 15 feet from the closest jurisdictional wetland, Area B, and approximately 300 feet from the closest tributary. The elevations, vegetation, hydrology and soils within this wetland are similar to those in the portion of Area B nearest this wetland.

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

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

Isolated, intra-state water #2 (Area F)

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

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

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.25

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 appeared to have no defined inlet or outlet. It is located within a groundwater, depressional area, surrounded by relatively undisturbed upland forest, which is located at land surface elevations approximately 3-4 feet higher than the average elevation within the wetland. The wetland is approximately 100 feet from the closest jurisdictional wetland, Area G, and approximately 400 feet from the closest tributary. The elevations, vegetation, hydrology and soils within this wetland are similar to those in the portion of Area G nearest this wetland.

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

The aquatic resource is XX 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 XX 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 #3 (Area 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: PEM

Acres of this NJD aquatic resource within property: 0.38

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 appeared to have no defined inlet or outlet. It is located within a groundwater, depressional area, surrounded by relatively undisturbed upland forest, which is located at land surface elevations approximately 2-3 feet higher than the average elevation within the wetland. The wetland is approximately 150 feet from the closest jurisdictional wetland, Area L, and approximately 500 feet from the closest tributary, which is located off the project site. The ground elevations, hydrology and soils within this wetland are similar to those in the portion of Area L nearest this wetland.

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

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

Isolated, intra-state water #4 (Area 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: PFO/PSS

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 appeared to have no defined inlet or outlet. It is located within a groundwater, depressional area, surrounded by successional upland forest, which is located at land surface elevations approximately 1-2 feet higher than the average elevation within the wetland. The wetland is approximately 50 feet from the closest jurisdictional wetland, Area N, and approximately 600 feet from the closest tributary. The ground elevations and soils within this wetland are similar to those in the portion of Area N nearest this wetland.

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

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

Isolated, intra-state water #5 (Area X)

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

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

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.01

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

This wetland appeared to have no defined inlet or outlet. It is located within a groundwater, depressional area, surrounded by relatively undisturbed upland forest, which is located at land surface elevations approximately 2-3 feet higher than the average elevation within the wetland. The wetland is approximately 50 feet from the closest jurisdictional wetland, Area E, and approximately 300 feet from the closest tributary. The ground elevations and soils within this wetland are similar to those in the portion of Area E nearest this wetland.

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

The aquatic resource is XX 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 XX 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 #6 (Area Y)

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

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

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.10

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

This wetland appeared to have no defined inlet or outlet. It is located within a groundwater, depressional area, surrounded by relatively undisturbed upland forest, which is located at land surface elevations approximately 2-3 feet higher than the average elevation within the wetland. The wetland is approximately 40 feet from the closest jurisdictional wetland, Area B, and approximately 100 feet from the closest tributary. The ground elevations, vegetation, hydrology and soils within this wetland are similar to those in the portion of Area B nearest this wetland.

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

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

Isolated, intra-state water #7 (Area Z)

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

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

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.02

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 appeared to have no defined inlet or outlet. It is located within a groundwater, depressional area, surrounded by relatively undisturbed upland forest, which is located at land surface elevations approximately 2-3 feet higher than the average elevation within the wetland. The wetland is approximately 80 feet from the closest jurisdictional wetland, Area B, and approximately 250 feet from the closest tributary. The ground elevations and soils within this wetland are similar to those in the portion of Area B nearest this wetland.

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

The aquatic resource is XX 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 XX 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: 2003-01187
DATE OF DETERMINATION: March 29, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: October 29, 2003,
 (Y/N) October 19, 2004

PROJECT LOCATION INFORMATION:

State: New York
 County: Orange
 Center coordinates of site by latitude & longitude coordinates: lat:41-23-52.3680 lon:74-39-1.5480
 Approximate size of site/property (including uplands) in acres 35.6
 Name of waterway or watershed: Neversink 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		1.259							
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. 2003-01187

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 35.6

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: _____

Total acres of jurisdictional waters on site: 0.073

Position of jurisdictional waters in landscape and watershed:

The Neversink River.

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

Active sod farm within flood plain, active junk yard outside of flood plain.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (A)

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: PSS1

Acres of this NJD aquatic resource within property: 1.05

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):

At edge of flood plain of Neversink River, approximately 1,400 feet from and approximately 13 feet higher in elevation than river.

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 (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: PSS1

Acres of this NJD aquatic resource within property: 0.209

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):

At edge of flood plain of Neversink River, approximately 1,400 feet from and approximately 13 feet higher in elevation than river.

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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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: 2004-00550
DATE OF DETERMINATION: March 23, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
 At the project site Y **Date:** February 15, 2005
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Rensselaer
 Center coordinates of site by latitude & longitude coordinates: lat:42-41-30.0120 lon:73-36-12.8880
 Approximate size of site/property (including uplands) in acres 43.12
 Name of waterway or watershed: Unnamed Tributary to Wynants 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	0.34								
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. 2004-00550

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 43.12

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: 0.85

Position of jurisdictional waters in landscape and watershed:

Headwaters to an unnamed tributary system to the Hudson River

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

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: PEM,PSS

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): The area is a narrow linear wetland, with no discernable inlet or outlet. The wetland is approximately 30 feet from a jurisdictional wetland. However, drains in the opposite direction of the jurisdictional 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.

Isolated, intra-state water # 2 (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: PFO

Acres of this NJD aquatic resource within property: 0.01

Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest waters of the U.S., differences in vegetative communities, soil types or hydrologic features): The area is a depressional wetland that collects drainage from the surrounding upland. No discernable inlet or outlet was observed. The wetland is approximately 560 feet from a jurisdictional 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.

Isolated, intra-state water # 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: PFO

Acres of this NJD aquatic resource within property: 0.16

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 880 feet from a jurisdictional 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.

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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: 2004-00920
DATE OF DETERMINATION: March 9, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: August 24, 2004 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Orange
 Center coordinates of site by latitude & longitude coordinates: lat:41-22-36.2640 lon:74-36-35.7840
 Approximate size of site/property (including uplands) in acres 66
 Name of waterway or watershed: Shawangunk 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									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond	0.18								
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):

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 66

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: 13.8.

Position of jurisdictional waters in landscape and watershed:

Headwaters to the Shawangunk Kill, part of the tributary to the Hudson River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Open water pond area surrounded by old agricultural fields adjacent to Mountain Road.

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: _____

Acres of this NJD aquatic resource within property: 0.18

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 small depressional pond with no discernable inlet or outlet, located approximately 450 feet from a jurisdictional 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.