

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: 2003-01369
DATE OF DETERMINATION: May 4, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
 At the project site (Y/N) Y **Date:** August 18, 2003

PROJECT LOCATION INFORMATION:

State: New York
 County: Sullivan
 Center coordinates of site by latitude & longitude coordinates: lat:41-42-42.0120 lon:74-38-48.0120
 Approximate size of site/property (including uplands) in acres: 153.9 acres
 Name of waterway or watershed: Delaware 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	0.11								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

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

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

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

TYPE OF DETERMINATION: Preliminary Or Approved X

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

CENAN-OP-R
APPLICATION NO. 2003-01369

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions: Site

Total acreage of site: 153.9 acres

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

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

* If wetlands are present, indicate Cowardin classification: PFO1

Total acres of jurisdictional waters on site: 52.44 acres.

Position of jurisdictional waters in landscape and watershed:

Wetlands areas on site include and are associated with an unnamed tributary to Sheldrake Stream, which is a tributary to the Neversink River, a tributary to the Delaware River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Site consists of undeveloped open fields and forested areas.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

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

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

* If wetlands are present, indicate Cowardin classification: PFO1

Acres of this NJD aquatic resource within property: 0.11 acres

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

No visible surface water conveyance was noted entering or exiting these areas.

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: 2003-01379
DATE OF DETERMINATION: May 4, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: April 29, 2004
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Orange
 Center coordinates of site by latitude & longitude coordinates: lat:41-17-42.7560 lon:74-19-39.7920
 Approximate size of site/property (including uplands) in acres 108.4
 Name of waterway or watershed: Black Meadow Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.06								
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 eommerce?		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 eonditions; 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. 2003-01379

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 108.4 acres

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

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

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

Total acres of jurisdictional waters on site: 6.17 acres.

Position of jurisdictional waters in landscape and watershed: Site includes Black Meadow Creek and consists of wetlands associated with Black Meadow Creek. Black Meadow Creek is a tributary to Otter Creek and Moodna Creek. Moodna Creek is a tributary to the Hudson River.

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

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

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

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

* If wetlands are present, indicate Cowardin classification: PEM

Acres of this NJD aquatic resource within property: 0.06 acres

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

This area is located at a higher elevation than Black Meadow Creek, and no surface water conveyance was noted entering or exiting this area.

The aquatic resource X 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: 2003-00246
DATE OF DETERMINATION: May 9, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: 14 May 2003
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Dutchess
 Center coordinates of site by latitude & longitude coordinates: lat:41-38-24.0000 lon:73-52-18.0120
 Approximate size of site/property (including uplands) in acres 6.22
 Name of waterway or watershed: Unnamed Tributary

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	0.26								
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. 2003-00246

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 6.22 acres

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

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

* If wetlands are present, indicate Cowardin classification: PEM

Total acres of jurisdictional waters on site: 0.21

Position of jurisdictional waters in landscape and watershed: Waters of the United States on site are associated with Wappenger Creek, a tributary to the Hudson River.

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

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1

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

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

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

Acres of this NJD aquatic resource within property: 0.26 acres

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

Although the elevation of the wetland is slightly higher, there were no defined visible surface water conveyance characteristics noted between this wetland to the nearest waters of the United States.

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

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

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

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

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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: 2003-01366
DATE OF DETERMINATION: May 11, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** **N** **Date:**
At the project site **Y** **Date:**
(Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Sullivan
 Center coordinates of site by latitude & longitude coordinates: lat:41-37-10.9920 lon:74-44-48.9840
 Approximate size of site/property (including uplands) in acres: 20.37
 Name of waterway or watershed: Unnamed Tributary

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	0.343								
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. 2003-01366**

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 20.37

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, PSS

Total acres of jurisdictional waters on site: 14

Position of jurisdictional waters in landscape and watershed:

Waters of the United States on the site are associated with an unnamed tributary to the Mongaup River, which ultimately discharges into the Delaware River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site consists of primarily undisturbed forested wetland and upland, as well as a 7.6 acre impoundment known as Lake Winston.

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: PFO

Acres of this NJD aquatic resource within property: 0.083

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

The wetland has no discernable inlet or outlet, and therefore is not considered part of a tributary system associated with a waters of the United States.

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

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

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

Isolated, intra-state water # 2

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: 0.26

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

The wetland has no discernable inlet or outlet, and therefore is not considered part of a tributary system associated with a waters of the United States.

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

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

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

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DISTRICT OFFICE: New York District
FILE NUMBER: 2004-00430
DATE OF DETERMINATION: May 11, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: June 16, 2004
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Orange
 Center coordinates of site by latitude & longitude coordinates: lat:41-18-49.2840 lon:74-33-13.3920
 Approximate size of site/property (including uplands) in acres 121.58
 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	0.04								
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. 2004-00430**

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 121.58

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

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

* If wetlands are present, indicate Cowardin classification: PEM

Total acres of jurisdictional waters on site: 9.98

Position of jurisdictional waters in landscape and watershed:

Wetlands associated with either stream channels or old farm ponds.

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

Active agricultural.

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: 0.04

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 75 feet from and 2 feet higher in elevation than nearest waters of US.

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: 2004-00915
DATE OF DETERMINATION: May 11, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N **Date:**
 At the project site Y **Date:** August 25, 2004
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Orange
 Center coordinates of site by latitude & longitude coordinates: lat:41-26-25.0800 lon:74-4-10.2000
 Approximate size of site/property (including uplands) in acres 116
 Name of waterway or watershed: Unnamed Tributary (Hudson River Basin)

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

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

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Ocur	Not Expected to Ocur	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. 2004-00915

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 116

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: 34.49.

Position of jurisdictional waters in landscape and watershed:

All jurisdictional wetlands are hydrologically connected to, and part of the tributary system of one of the two unnamed tributaries which flow into Modena Creek, which flows into the Hudson River

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The majority of the site appears to be undisturbed, with exception to the areas in close proximity to the old railroad which bisects the site. Those areas show no recent disturbance, however appear to have been disturbed in the past.

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: 0.07

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):

Wetland C is located in a depression along an old elevated railroad bed. No discernable inlet or outlet was observed surrounding the wetland. The wetland is approximately 150 feet from the nearest jurisdictional wetland (Wetland D), which is located at the base of the old railroad bed to the south and on the opposite side of the railroad bed. The area was disturbed in the past with the installation of the railroad bed. It appears this wetland was created after that disturbance because it is located above the natural contours, on the railroad bed. According to the Orange County Soil Survey, the wetland is located in the vicinity of both an Erie and Mardin soil, with Erie being listed as a Hydric Soil. The NWI maps show no wetland in the location of Wetland C.

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 and 3

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

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

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 0.50

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 K, totaling 0.43 acres, flows southwest into Wetland J, which totals 0.07 acres. There appears to be no discernable inlet or outlet surrounding either wetland, other than the connection between the two. Wetland J is located approximately 125 feet from the nearest jurisdictional water of the United States (Wetland H), which is located to the south. Both Wetland J and K appear to have been created from excavation from within upland, associated with the creation of the old railroad bed, as possible borrow sites. According to the Orange County Soil Survey, the wetland is located in the vicinity a Mardin soil, which is not a Hydric Soil. The NWI maps show no wetland in the location of Wetland J or K.

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: 2003-01338
DATE OF DETERMINATION: May 12, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: 21APR04 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Dutchess
 Center coordinates of site by latitude & longitude coordinates: lat:41-58-41.9880 lon:73-45-47.9880
 Approximate size of site/property (including uplands) in acres 133.13
 Name of waterway or watershed: Hudson River

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

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

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Oeour	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. 2003-01338

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 133.13 acres

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

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

* If wetlands are present, indicate Cowardin classification: PFO1E, PEM1E, PUBHh

Total acres of jurisdictional waters on site: 15.33

Position of jurisdictional waters in landscape and watershed:

Hilly forested region of northeastern Dutchess County, apparently above the 100-year flood plain (perhaps headwaters region).

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): With the exception of a new road the site is relatively undeveloped, however, previously disturbed in the past (farming and/or logging).

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1: Wetland "C"

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

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

* If wetlands are present, indicate Cowardin classification: PEM1E

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):

Wetland "C" exists within a forest opening situated on a bench (flat area) located along a hill slope on the north-central portion of the property. Water from this wetland flows south through a culvert and under a newly constructed road on the subject property. An ordinary high water mark was observed exiting the above culvert, but failed to be apparent approximately 100' south of the opening. Neither the subject wetland nor its associated stream (likely ephemeral) appear to be hydrologically connected to the other waters of the US identified on the property. Furthermore, differences in the biotic communities of the nearest waters of the US, proximity to these waters of the US (approx. 150'-200'), and a difference in elevation to these waters of the US (Wetland "C" is approximately 25' higher than nearest neighbor, namely the stream that flows through Wetland "D") preclude this wetland from consideration as a waters of the US.

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: 2004-00976
DATE OF DETERMINATION: May 13, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: October 20, 2004 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Saratoga
 Center coordinates of site by latitude & longitude coordinates: lat:43-6-38.1600 lon:73-40-32.4840
 Approximate size of site/property (including uplands) in acres 94.41
 Name of waterway or watershed: Unnamed Tributary to Cold Brook

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		1.07							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

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

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

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

TYPE OF DETERMINATION: Preliminary Or Approved X

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

CENAN-OP-R
APPLICATION NO. 2004-00976

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 94.41 acres

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

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

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

Total acres of jurisdictional waters on site: 14.42

Position of jurisdictional waters in landscape and watershed:

The jurisdictional waters on the site consist of groundwater slope wetlands and a pond located contiguous with a perennial stream that is a tributary to Cold Brook, in the Hudson River basin.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Most of the site is mature, forested habitat, that has been previously disturbed by silvicultural activities.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (Wetland 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: PFO/PEM

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): Wetland A is located approximately 750 feet from Wetland B, which is a jurisdictional wetland on the site, and 1000 feet from the perennial stream on the site. Wetland A is at a similar ground surface elevation, and has similar soils, vegetation and hydrology as Wetland B.

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: 2004-00980
DATE OF DETERMINATION: May 13, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: May 6, 2005 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Saratoga
 Center coordinates of site by latitude & longitude coordinates: lat:42-54-46.0080 lon:73-42-56.0160
 Approximate size of site/property (including uplands) in acres 314
 Name of waterway or watershed: Unnamed Tributary to Old Champlain Canal

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			3.579						
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. 2004-00980

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 314 acres

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

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

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

Total acres of jurisdictional waters on site: 31.795

Position of jurisdictional waters in landscape and watershed: The jurisdictional waters on the site consist of groundwater slope wetlands, ponds and streams located within shallow swales along ridgelines and broader flats at the base of ridgelines within the headwaters of various unnamed tributaries to the Old Champlain Canal, in the Hudson River basin.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Most of the site is currently under agricultural uses, however a large portion of it contains mature forested areas.

2. Rationale Used To Determine NJD:

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

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: (Unknown)

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 CC is a forested depressional area located within a mature forested area approximately 50 feet from Wetland H, which is a jurisdictional wetland on the site, and approximately 150 feet from an intermittent stream on the site. Wetland C has similar soils, vegetation and hydrology as Wetland H.

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 (Wetland 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: PEM/PSS

Acres of this NJD aquatic resource within property: (Unknown)

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 D is a largely emergent/wet meadow depressional area located within an agricultural field approximately 250 feet from Wetland A, which is a jurisdictional wetland on the site, and approximately 500 feet from an intermittent stream located outside the boundaries of the site. Wetland D has similar soils and hydrology as Wetland A.

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 #3 (Wetland DD)

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: (Unknown)

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 DD is a forested depressional area located within a mature forested area approximately 120 feet from Wetland H, which is a jurisdictional wetland on the site, and approximately 170 feet from an intermittent stream on the site. Wetland D has similar soils, vegetation and hydrology as Wetland H.

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

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APPLICATION NO. 2004-00980**

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 (Wetland E)

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/PUB/PSS

Acres of this NJD aquatic resource within property: (Unknown)

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 E is a linear, largely emergent/wet meadow, and depressional area, including a man-made pond, located within, and along a hedgerow bordering agricultural fields approximately 400 feet from Wetland P, which is a jurisdictional wetland located on the site down gradient from Wetland E, and approximately 500 feet from an intermittent stream located outside the boundaries of the site.

Wetland E has similar soils, vegetation and hydrology as portions of Wetland P.

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

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

Wetland E is connected to Wetland P via a shallow upland swale across and along the edge of an agricultural field that could convey surface flow between these two areas during unusually high storm events

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 (Wetland EE)

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: (Unknown)

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 EE is a forested depressional area located within a mature forested area approximately 50 feet from Wetland H, which is a jurisdictional wetland on the site, and approximately 100 feet from an intermittent stream on the site. Wetland EE has similar soils, vegetation and hydrology as Wetland H.

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 #6 (Wetland 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: PEM

Acres of this NJD aquatic resource within property: (Unknown)

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 E is a linear emergent/wet meadow area located within an agricultural field approximately 150 feet from Wetland R, which is a jurisdictional wetland located on the site down gradient from Wetland F, and approximately 1000 feet from an intermittent stream located on the site. Wetland F has similar soils and hydrology as Wetland R.

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

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

Wetland E is connected to Wetland R via a shallow upland swale across the edge of an agricultural field that could convey surface flow between these two areas during unusually high storm events

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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APPLICATION NO. 2004-00980

Isolated, intra-state water #7 (Wetland 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: PFO

Acres of this NJD aquatic resource within property: (Unknown)

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 N is a forested depressional area located within a mature forested area approximately 50 feet from Wetland M, which is a jurisdictional wetland on the site, and approximately 300 feet from an intermittent stream on the site. Wetland N has similar soils, vegetation and hydrology as Wetland M.

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 #8 (Wetland O)

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/PUB

Acres of this NJD aquatic resource within property: (Unknown)

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 O is a emergent/wet meadow depressional area located within an agricultural field approximately 300 feet from Wetland C, which is a jurisdictional wetland on the site, and approximately 350 feet from an intermittent stream located outside the boundaries of the site. Wetland O has similar soils and hydrology as Wetland A.

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 #9 (Wetland U)

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: (Unknown)

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 U is a forested depressional area located within a mature forested area approximately 20 feet from Wetland H, which is a jurisdictional wetland on the site, and approximately 800 feet from an intermittent stream on the site. Wetland U has similar soils, vegetation and hydrology as Wetland H.

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.