

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: 2005-00832
DATE OF DETERMINATION: November 10, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: December 4, 2004 and August 10, 2005

PROJECT LOCATION INFORMATION:

State: New York
 County: Rensselaer
 Center coordinates of site by latitude & longitude coordinates: lat:42-43-50.2680 lon:73-37-46.8480
 Approximate size of site/property (including uplands) in acres: 214.3 acres of a 225.5 acre site
 Name of waterway or watershed: Wetlands and unnamed tributaries of Poesten Kill - 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		1.80							
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. 2005-00832

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 214.3 acres of 225.5 acre site

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

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

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

Total acres of jurisdictional waters on site: 14.55.

Position of jurisdictional waters in landscape and watershed:

Headwaters to unnamed tributaries of Poesten Kill, which is tributary to Hudson River

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Property consists of forested undisturbed area, and undeveloped open field areas, including and surrounding the Niagara Mohawk Transmission Line Right-of-Way. Residential property is located to the east, with a golf course bordering the western property boundary.

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: 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):

The area is a depressional wetland that appears to collect runoff from the surrounding area. No discernable inlet or outlet was observed. It is located in the Niagara Mohawk Right-of-Way, and appears to have been excavated out of uplands. The area around the wetland has been disturbed in the past, and is currently disturbed, being part of the right-of-way. The wetland is located approximately 300 feet east of the closest jurisdictional water of the United States, and the soils and vegetation are similar to those within the closest jurisdictional wetlands.

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

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

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

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

Isolated, intra-state water # 2

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

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

* If wetlands are present, indicate Cowardin classification: PFO

Acres of this NJD aquatic resource within property: 1.37

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 appears to collect runoff from the surrounding area. No discernable inlet or outlet was observed. The area to the west, an existing golf course, was examined but no evidence indicated the wetland continued off site in the past prior to the development of the golf course. The area around the wetland was undisturbed, with the exception of the golf course to the west. The wetland is located approximately 400 feet west of the closest jurisdictional water 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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Isolated, intra-state water # 3

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

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

* If wetlands are present, indicate Cowardin classification: PSS

Acres of this NJD aquatic resource within property: 0.08

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 appears to collect runoff from the surrounding area. No discernable inlet or outlet was observed. It is located in the Niagara Mohawk Right-of-Way, and appears to have been excavated out of uplands. The area around the wetland has been disturbed in the past, and is currently disturbed, being part of the right-of-way. The wetland is located approximately 300 feet northwest of the closest jurisdictional water of the United States, and the soils and vegetation are similar to those within the closest jurisdictional wetlands.

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

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

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

Isolated, intra-state water # 4

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

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

* If wetlands are present, indicate Cowardin classification: 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 depressional wetland that appears to collect runoff from the surrounding area. No discernable inlet or outlet was observed. Topography indicates the area would drain south, however there are old buildings located south and east, that have raised the elevation, preventing any further drainage south. This buildings are very old and there construction may be the cause of the established wetland. No evidence of a wetland was observed on historic topo maps of the area. The wetland is located approximately 175 feet northwest of the closest jurisdictional water of the United States, and the soils and vegetation are similar to those within the closest jurisdictional wetlands.

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

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

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

Isolated, intra-state water # 5

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

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

* If wetlands are present, indicate Cowardin classification: PSS

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 area is a depressional wetland that appears to collect runoff from the surrounding area. No discernable inlet or outlet was observed. The surrounding area is dominated by forest, which indicates the wetland area must of been cleared at some time in the past, which could have led to the disturbance that established this wetland. No evidence of a wetland was observed on historic topo maps of the area. The wetland is located approximately 100 feet southeast of the closest jurisdictional water of the United States, and the soils and vegetation are similar to the other PSS on the site.

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: 2005-01193
DATE OF DETERMINATION: November 29, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Y Date: November 29, 2005
 At the project site N Date:
 (Y/N)

PROJECT LOCATION INFORMATION:

State: New Jersey
 County: Essex
 Center coordinates of site by latitude & longitude coordinates: lat:40-25-25.3560 lon:74-4-24.4200
 Approximate size of site/property (including uplands) in acres 53
 Name of waterway or watershed: Newark Bay

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				3.22					
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. 2005-01193**

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 53 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: E2EM and E2US

Total acres of jurisdictional waters on site: 3.7 acres.

Position of jurisdictional waters in landscape and watershed:

Wetland adjacent to Newark Bay.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The eastern portion of the site is undeveloped and the western portion is occupied by the Newark Police Department firing range.

2. Rationale Used To Determine NJD:

Isolated, intra-state water B, C, D, and 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

Acres of this NJD aquatic resource within property: 2.59 total acres (Wetland B=2.26, Wetland C=.07, Wetland D=.01, Wetland E=.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):

These wetlands are adjacent to Newark Bay, with no apparent surface water connection and no nexus to interstate commerce. Wetland B is closest to waters of the US, located approximately 800 feet to the east of Newark Bay.

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

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

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

Isolated, intra-state water #F&G, H, and I

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: .63 total acres (Wetland F&G=.35, Wetland H=.07, Wetland I=.21)

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):

These wetlands are adjacent to Newark Bay, with no apparent surface water connection and no nexus to interstate commerce. Wetland F&G is closest to waters of the US, located approximately 1,700 feet to the east of Newark Bay.

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

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

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

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DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: New York District
FILE NUMBER: 2004-00814
DATE OF DETERMINATION: November 30, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: 9/2/04, 9/23/04, 5/11/05 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Orange
 Center coordinates of site by latitude & longitude coordinates: lat:41-31-1.9200 lon:74-3-50.4000
 Approximate size of site/property (including uplands) in acres 137.5
 Name of waterway or watershed: Quassaic 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			4.88						
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. 2004-00814

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 137.5

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

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

* If wetlands are present, indicate Cowardin classification: PFO

Total acres of jurisdictional waters on site: 11.284

Position of jurisdictional waters in landscape and watershed:

Associated with on site drainage

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

Formerly agricultural

2. Rationale Used To Determine NJD:

Isolated, intra-state water # 1 (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: PFO

Acres of this NJD aquatic resource within property: 4.36

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

Located approximately 400 feet from and 12 feet higher in elevation than nearest waters of the U.S.

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

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

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

Isolated, intra-state water # 2 (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: 0.52

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

Located approximately 30 feet from and 8 feet higher in elevation than catch basin which would connect to waters of the U.S.

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

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

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

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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: 2004-01165
DATE OF DETERMINATION: November 30, 2005
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:
 At the project site Y Date: 12/1/04 (Y/N)

PROJECT LOCATION INFORMATION:

State: New York
 County: Sullivan
 Center coordinates of site by latitude & longitude coordinates: lat:41-44-45.9960 lon:74-39-20.9880
 Approximate size of site/property (including uplands) in acres 194.84
 Name of waterway or watershed: Sheldrake Stream

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.852								
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. 2004-01165

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 194.84

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

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

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

Total acres of jurisdictional waters on site: 37.231

Position of jurisdictional waters in landscape and watershed:

Wetlands located at foot of mountain, fed mostly by groundwater discharge.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): property half undisturbed, with the other half once subject to farming and mining

2. Rationale Used To Determine NJD:

Isolated, intra-state water #s 1 through 5 (B, C, D, E and 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: 0.852

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):

Wetlands are perched on bedrock, exposed by mining activities. Wetlands are located approximately 1,100 feet from and 120 feet higher than nearest waters of the U.S.

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

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

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

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