

**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:** 2004-00249  
**DATE OF DETERMINATION:** February 2, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
 At the project site Y Date: April 27, 2004  
 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Essex  
 Center coordinates of site by latitude & longitude coordinates: lat:43-51-29.9880 lon:73-44-27.9960  
 Approximate size of site/property (including uplands) in acres 40.20  
 Name of waterway or watershed: Schroon River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.35								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool	0.02								
Natural Pond									
Other Water (identify type)									

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

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

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

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**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. 2004-00249

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 40.20

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: 3.85

Position of jurisdictional waters in landscape and watershed: Wetlands are associated with the Schroon River

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

2. Rationale Used To Determine NJD:

Isolated, intra-state water # (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): Vernal Pool

\* 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):

Wetland G is a vernal pool, separated from other waters of the United States by a natural berm. Wetland G is approximately 25 feet from other waters of the United States.

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.

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

Pond  Lake  Stream  Wetlands\*  Tidal Waters  Other (identify type): Vernal Pool

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

Acres of this NJD aquatic resource within property: 0.35

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 appears to have been excavated out of uplands and has no discernable inlet, outlet, or other connection to waters of the United States. The wetland is located approximately 50 feet from a jurisdictional waters of the United States.

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.

**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:** 2004-00727  
**DATE OF DETERMINATION:** February 2, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
 At the project site (Y/N) Y Date: July 21, 2004 and November 10, 2004

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Rensselaer  
 Center coordinates of site by latitude & longitude coordinates: lat:42-39-2.8440 lon:73-41-57.1200  
 Approximate size of site/property (including uplands) in acres: 28.04  
 Name of waterway or watershed: Quackenderry Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.2								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

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

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

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

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**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. 2004-00727

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 28.03

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: 0.99 acre wetlands and 2,272 linear feet of stream.

Position of jurisdictional waters in landscape and watershed:

The main tributary on site, the Quackenderry Creek, is a direct tributary to the Hudson River, a tidal and navigable waterway. The other two streams are tributaries to the Quackenderry Creek. The jurisdictional wetlands are adjacent, with direct surface connection, to the streams. These waters are confined within small steep valleys on the site, which appears to be typical for this geographic location.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The eastern boundary of the site lies along a state highway. There are homes on the site, some abandoned, along this road frontage. The central and southern portion of the site is forested, with some mature trees, and does not show signs of recent disturbance. Evidence suggests that logging may have occurred approximately 50 years ago. The northern portion of the site was previously disturbed. There is an abandoned road crossing over the stream, a foundation to a building, and a cemetery may be present.

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: 0.2

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 isolated wetland is located at least 18 feet higher in elevation than the nearest stream, the Quackenderry Creek, and about 13 feet higher in elevation than the wetlands considered adjacent to this waterway. The isolated wetland is also located at least 65 feet away, in terms of distance, to the closest wetlands adjacent to the Quackenderry Creek. The soils in the isolated wetland are both brighter and of a different consistency than the wetlands adjacent to the Quackenderry Creek. The soils in the regulated wetlands have a matrix chroma of one, contains more loose clay, and has some coarser material from stream deposition. The soils in the isolated wetland have a matrix chroma of two with bright mottles and is silty in texture.

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:** 2004-01175  
**DATE OF DETERMINATION:** February 7, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
 At the project site Y Date: 23 November 2004 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Saratoga  
 Center coordinates of site by latitude & longitude coordinates: lat:43-7-36.9840 lon:73-41-20.0040  
 Approximate size of site/property (including uplands) in acres 97.63  
 Name of waterway or watershed: Hudson River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands					12.47				
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

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

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

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

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**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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APPLICATION NO. 2004-01175

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 97.63

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: 7.712

Position of jurisdictional waters in landscape and watershed:

Wetlands are associated with a tributary to Millers Swamp, which ultimately drains to the Hudson River.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site is comprised of undisturbed forested upland and wetland. Recent residential development has occurred to the east of the site.

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: PFO

Acres of this NJD aquatic resource within property: 0.344

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 a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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: PFO

Acres of this NJD aquatic resource within property: 0.208

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 B is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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 (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: 0.311

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 a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

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

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

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Isolated, intra-state water # 4 (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: 0.089

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 depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

Isolated, intra-state water # 5 (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: PFO

Acres of this NJD aquatic resource within property: 0.343

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 depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

Isolated, intra-state water # 6 (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: PFO

Acres of this NJD aquatic resource within property: 2.35

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 depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

Isolated, intra-state water # 6 (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: 0.264

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 depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

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Isolated, intra-state water # 6 (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: 0.285

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 F is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

Isolated, intra-state water # 7 (G)

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: 0.121

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 G is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

Isolated, intra-state water # 8 (GG)

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: 0.251

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 GG is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

Wetland GG is approximately 25 feet from the nearest waters of the United States.

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

Isolated, intra-state water # 9 (H)

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: 0.260

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 H is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

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Isolated, intra-state water # 10 (L)

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: 0.171

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 L is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

Isolated, intra-state water # 11 (M)

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: 0.023

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 M is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system. 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

Isolated, intra-state water # 12 (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: 0.491

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 depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system. The

aquatic resource  is X 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

Isolated, intra-state water # 13 (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: PFO

Acres of this NJD aquatic resource within property: 0.176

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 depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system. 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

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Isolated, intra-state water # 14 (P)

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: 0.123

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 P is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system. 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

Isolated, intra-state water # 15 (Q)

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: 0.010

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 Q is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system. The aquatic resource    is X 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

Isolated, intra-state water # 16 (R)

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

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

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

Acres of this NJD aquatic resource within property: 0.577

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 R is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system. 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

Isolated, intra-state water # 17 (S)

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: 0.101

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 S is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

The aquatic resource    is X 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

**CENAN-OP-R**  
**APPLICATION NO. 2004-01175**

Isolated, intra-state water # 18 (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

Acres of this NJD aquatic resource within property: 1.97

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 T is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

Isolated, intra-state water # 19 (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: 0.83

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 depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

Isolated, intra-state water # 20 (V)

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: 1.78

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 V is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system. The nearest waters of the United States is approximately 200 feet away.

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

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

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

Isolated, intra-state water # 21 (W)

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: 0.264

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 W is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system.

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

**CENAN-OP-R  
APPLICATION NO. 2004-01175**

Isolated, intra-state water # 22 (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: 0.218

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 X is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system. The nearest waters of the United States is approximately 100 feet away.

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

Isolated, intra-state water # 23 (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: 0.861

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 Y is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system. The nearest waters of the United States is approximately 100 feet away.

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

Isolated, intra-state water # 24 (YY)

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: 0.040

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 YY is a depressional wetland with no discernable inlet or outlet. The wetland is not part of a surface tributary system. The nearest waters of the United States is approximately 50 feet away.

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

**INFORMATION SHEET**

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

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2000-01444  
**DATE OF DETERMINATION:** February 8, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
 At the project site Y Date: May 6, 2004 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Orange  
 Center coordinates of site by latitude & longitude coordinates: lat:41-26-33.0000 lon:74-21-38.0160  
 Approximate size of site/property (including uplands) in acres: 86.4429  
 Name of waterway or watershed: Wallkill River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		2.1							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

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

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

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

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**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. 2000-01444

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 86.4429

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: 10.37

Position of jurisdictional waters in landscape and watershed:

Associated with stream channel and within flood plain of Wallkill River

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

Abandoned farm

2. Rationale Used To Determine NJD:

Isolated, intra-state water #s 1 and 2 (A-1 and A-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: 0.02

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):

Approximately 25 feet from and 2 feet higher in elevation than incised intermittent stream

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 (H)

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: 0.08

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):

Approximately 200 feet from and 20 feet higher in elevation than the nearest waters of U.S.

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

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

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

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

Isolated, intra-state water # 4 (J)

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

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

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

Acres of this NJD aquatic resource within property: 0.20

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 800 feet from and 40 feet higher in elevation than the nearest waters of U.S.

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

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

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

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

**CENAN-OP-R**  
**APPLICATION NO. 2000-01444**

Isolated, intra-state water #s 5, 6 and 7 (K, L and M)

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: 1.80

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

Approximately 150 feet from and 10 feet higher in elevation than the nearest waters of U.S.

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

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

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

**INFORMATION SHEET**

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

**DISTRICT OFFICE:** New York District  
**FILE NUMBER:** 2004-00427  
**DATE OF DETERMINATION:** February 8, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
 At the project site Y Date: May 26, 2004 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Orange  
 Center coordinates of site by latitude & longitude coordinates: lat:41-20-45.3840 lon:74-35-30.0840  
 Approximate size of site/property (including uplands) in acres: 87 acres  
 Name of waterway or watershed: Unnamed Tributary to Rutgers Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.45								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

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

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

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

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**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. 2004-00427

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 87

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

Total acres of jurisdictional waters on site: 22.3

Position of jurisdictional waters in landscape and watershed:

Surrounding Lake Arkin and associated with ground-water discharge

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

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: PFO1C

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):

Hillside seep

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 (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: PFO1C

Acres of this NJD aquatic resource within property: 0.20

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):

Hillside seep

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:** 2002-01538  
**DATE OF DETERMINATION:** February 11, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
 At the project site Y Date: July 21, 2004 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Saratoga  
 Center coordinates of site by latitude & longitude coordinates: lat:42-59-3.0120 lon:73-47-54.9960  
 Approximate size of site/property (including uplands) in acres 156.82  
 Name of waterway or watershed: Unnamed Tributary to Drummond Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.852								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

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

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

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

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**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. 2002-01538

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 156.82

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: 17.07

Position of jurisdictional waters in landscape and watershed:

Groundwater and surface water slope wetlands, located at the top of a drainage divide. The wetlands in the center and western portions of the site are connected via culverts to an unnamed tributary to Drummond Creek, which is a tributary to Saratoga Lake. The wetlands in the eastern portion of the site are connected via culvert to an unnamed tributary to Saratoga Lake.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The majority of the site consists of old agricultural fields, surrounded by residential developments and highways.

2. Rationale Used To Determine NJD:

Isolated, intra-state water #1 (Area B) (If more than one water, copy entire section for each)

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

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

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

Acres of this NJD aquatic resource within property: 0.382

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 appeared to have no defined inlet or outlet. The wetland is approximately 700 feet from, and 5 feet higher in ground surface elevation the closest jurisdictional wetland, Area C, and approximately 2000 feet from the closest tributary. The hydrology and soils within this wetland are similar to those in Area C.

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) (If more than one water, copy entire section for each)

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

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

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

Acres of this NJD aquatic resource within property: 0.237

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 appeared to have no defined inlet or outlet. The wetland is approximately 100 feet from the closest jurisdictional wetland, Area D, and approximately 1200 feet from the closest tributary. The ground surface elevations, hydrology and soils within this wetland are similar to those in Area D.

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 (Area I-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

Acres of this NJD aquatic resource within property: 0.233

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):

**CENAN-OP-R**  
**APPLICATION NO. 2002-01538**

The wetland appeared to have no defined inlet or outlet. The wetland is approximately 25 feet from the closest jurisdictional wetland, Area I-2, and approximately 2000 feet from the closest tributary. The ground surface elevations, vegetation, hydrology and soils within this wetland are similar to those in Area I-2.

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.

**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:** 2003-00797  
**DATE OF DETERMINATION:** February 17, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
 At the project site Y Date: September 9, 2003 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Montgomery  
 Center coordinates of site by latitude & longitude coordinates: lat:42-58-23.0160 lon:74-11-12.9840  
 Approximate size of site/property (including uplands) in acres: 22.61  
 Name of waterway or watershed: Unnamed Tributaries to Dove and Bunn Creeks

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.07								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

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

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

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

**TYPE OF DETERMINATION:** Preliminary Or Approved **X**

**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. 2003-00797

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 22.61

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/PSS

Total acres of jurisdictional waters on site: 0.84

Position of jurisdictional waters in landscape and watershed:

Surface water slope wetlands, contiguous with several low-gradient headwaters tributaries to Dove and Bunn Creeks, which are tributaries to the Mohawk River

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): Mostly previously disturbed wetlands due to historic agricultural uses. The site borders agricultural parcels as well as highways and developed areas.

2. Rationale Used To Determine NJD:

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

This wetland appeared to have no defined inlet or outlet. It is located along the crest of a ridge within a surface water, depressional area, surrounded by previously disturbed agricultural fields. The wetland is approximately 400 feet from, and five feet in ground surface elevation higher than the closest jurisdictional wetland, Wetland 10, and approximately 1000 feet from the closest tributary. The hydrology and soils within this wetland are similar to those in the portion of Wetland 10 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 (Wetland 8) (If more than one water, copy entire section for each)

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

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

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

Acres of this NJD aquatic resource within property: 0.01

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 in a depressional area, surrounded by previously disturbed agricultural fields and developed areas. The wetland is approximately 150 feet from, and three feet in ground surface elevation higher than the closest jurisdictional wetland, Wetland 11, and approximately 500 feet from the closest tributary. The vegetation and soils within this wetland are similar to those in the portion of Wetland 11 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.

**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:** 2003-00253  
**DATE OF DETERMINATION:** February 25, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
 At the project site Y Date: April 17, 2003 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Dutchess  
 Center coordinates of site by latitude & longitude coordinates: lat:41-39-24.0120 lon:73-52-54.0120  
 Approximate size of site/property (including uplands) in acres: 11.84  
 Name of waterway or watershed: Unnamed Tributary to Wappinger Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.52								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

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

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

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

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**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. 2003-00253

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 11.84 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: 0.04 acres.

Position of jurisdictional waters in landscape and watershed:

Wetlands associated with unnamed tributary with flows through site.

Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): An abandoned residential home with associated outbuilding exists on site, remaining portion of the site is undeveloped.

2. Rationale Used To Determine NJD:

Isolated, intra-state water # A (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: PFO1

Acres of this NJD aquatic resource within property: 0.22 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 connections noted entering or exiting this area. This area is approximately 500 feet from identified 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 # B (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: PFO1

Acres of this NJD aquatic resource within property: 0.3 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 connections noted entering or exiting this area. This area is approximately 400 feet from identified 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.

**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:** 2004-00696  
**DATE OF DETERMINATION:** February 25, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N **Date:**  
 At the project site Y **Date:** September 24, 2003  
 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New Jersey  
 County: Hudson  
 Center coordinates of site by latitude & longitude coordinates: lat:40-46-9.0120 lon:74-7-35.0040  
 Approximate size of site/property (including uplands) in acres: 3.38  
 Name of waterway or watershed: Hackensack River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.018								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

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

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

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

**TYPE OF DETERMINATION:** Preliminary Or Approved X

**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. 2004-00696

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions: The site is generally level, and is located between existing active railroad tracks and the Bellville Turnpike.

Total acreage of site: 3.38 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

Position of jurisdictional waters in landscape and watershed:

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Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The site is currently surrounded by commercial properties.

2. Rationale Used To Determine NJD: Although the area appears to be an emergent wetland, it is surrounded by uplands as no surface water connections were noted entering or existing the area.

Isolated, intra-state water # (If more than one water, copy entire section for each)

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

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

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

Acres of this NJD aquatic resource within property: 0.018 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 surrounded by uplands, the nearest tidal water is located approximately 300 feet to the north.

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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:

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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:** 2004-01049  
**DATE OF DETERMINATION:** February 25, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) N Date:  
 At the project site Y Date: December 2, 2004  
 (Y/N)

**PROJECT LOCATION INFORMATION:**

State: New York  
 County: Orange  
 Center coordinates of site by latitude & longitude coordinates: lat:41-23-19.6080 lon:74-13-0.0840  
 Approximate size of site/property (including uplands) in acres: 14  
 Name of waterway or watershed: Unnamed Tributary to Satterly Creek

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.18								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

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

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

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

**TYPE OF DETERMINATION:** Preliminary Or Approved **X**

**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. 2004-01049

ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: 14

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: 1.07

Position of jurisdictional waters in landscape and watershed:

Located between ridges of rock, perched.

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

Mostly undeveloped.

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: 0.18

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):

Linear wetland, located between ridges of rock, approximately 75 feet from and 6 feet higher in elevation than nearest waters of U.S.

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

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

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

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