SECTION I: BACKGROUND INFORMATION	
A. REPORT COMPLETION DATE FOR APPROVED J	URISDICTIONAL DETERMINATION (JD): 08-Feb-2013
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: No.	aw York District, NAN-2011-00829-JD1
C. PROJECT LOCATION AND BACKGROUND INFOR	RMATION:
State :	NY - New York
County/parish/borough:	Westchester
City: Lat:	Harrison 41.067
Long:	-73.717
Universal Transverse Mercator	Folder UTM List UTM list determined by folder location NAD83 / UTM zone 18N
	Waters UTM List UTM list determined by waters location NADB3 / UTM zone 18N
Name of nearest waterbody: Name of nearest Traditional Navigable Water (TNW) Name of watershed or Hydrologic Unit Code (HUC):	
Check if map/diagram of review area and/or poten	atial jurisdictional areas is/are available upon request.
D. REVIEW PERFORMED FOR SITE EVALUATION:	isposal sites, $\text{etc}_{\hat{\ell}}$) are associated with the action and are recorded on a different JD form.
Office Determination Date:	
Field Determination Date(s): 10-Aug-2011	
SECTION II: SUMMARY OF FINDINGS	
A. RHA SECTION 10 DETERMINATION OF JURISDIC	TION
	Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.
Waters subject to the ebb and flow of the	tide. used in the past, or may be susceptible for use to transport interstate or foreign commerce
Explain:	account was past, or may be suspensive for use to transport interstate or foreign confinence
B. CWA SECTION 404 DETERMINATION OF JU	IRISDICTION
	NA) jurisdiction (as defined by 33 CFR part 328) in the review area.
. Waters of the U.S.	
. Indicate presence of waters of U.S. in review area:1	
	e(s) Present that flow directly or indirectly into TNWs
Wetland A Wetlands directly abutting RPWs that I	
Wetland C Wetlands directly abutting RPWs that f	
Wetland C Wetlands directly abutting RPWs that f	
, , ,	
b. Identify (estimate) size of waters of the U.S. in the r	
Wetland C Wetlands directly abutting RPWs that to be left (estimate) size of waters of the U.S. in the race: (m²) Linear: (m)	
b. Identify (estimate) size of waters of the U.S. in the r	
b. Identify (estimate) size of waters of the U.S. in the reference: (m²) Linear: (m) Linear: (m) Limits (boundaries) of jurisdiction: Dased on:	
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Area: (m²) Linear: (m²) Linear: (m²) Limits (boundaries) of jurisdiction: DHWM Elevation: (if known) L Non-regulated waters/wetlands: SECTION III: CWA ANALYSIS A. TNWS AND WETLANDS ADJACENT TO TNWS	eview area:
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. Identify (estimate) size of waters of the U.S. in the r Area: (m²) Linear: (m) . Limits (boundaries) of jurisdiction: DAWM Elevation: (if known) . Non-regulated waters/wetlands: Potentially jurisdictional waters and/or wetlands were SECTION III: CWA ANALYSIS A. TNWS AND WETLANDS ADJACENT TO TNWS TNW dot Applicable Wetland Adjacent to TNW dot Applicable. B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT	e assessed within the review area and determined to be not jurisdictional. Explain:
. Identify (estimate) size of waters of the U.S. in the r Area: (m²) Linear: (m) . Limits (boundaries) of jurisdiction: Dased on: DHWM Elevation: (if known) . Non-regulated waters/wetlands: Potentially jurisdictional waters and/or wetlands were SECTION III: CWA ANALYSIS A. TNWs AND WETLANDS ADJACENT TO TNWs TNW tot Applicable Wetland Adjacent to TNW tot Applicable. B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT C. Characteristics of non-TNWs that flow directly or in	e assessed within the review area and determined to be not jurisdictional. Explain:
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. Identify (estimate) size of waters of the U.S. in the r Area: (m²)linear: (m)Limits (boundaries) of jurisdiction:based on:DHWM Elevation: (if known)Non-regulated waters/wetlands:Non-regulated waters/wetlands:Non-re	e assessed within the review area and determined to be not jurisdictional. Explain: A TNW) AND ITS ADJACENT WETLANDS (IF ANY): directly into TNW

1 of 4 2/11/2013 11:27 AM

Tributary Stream Order, if known:

Order	Tributary Name
2	Stream C

(b) General Tributary Characteristics:

Irit	u	taı	ry	IS	:

Tributary Name	Natural	Artificial	Explain	Manipulated	Explain
Stream C	Х	-	-	-	-

Tributary properties with respect to top of bank (estimate):

Tributary Name	Width (ft)	Depth (ft)	Side Slopes
Stream C	10	2	2:1

Primary tributary substrate composition:

Tributary Name	Silt	Sands	Concrete	Cobble	Gravel	Muck	Bedrock	Vegetation	Other
Stream C	Х	-	-	-	-	-	Х	-	-

Tributary (conditions, stability, presence, geometry, gradient):

Tributary Name	Condition\Stability	Run\Riffle\Pool Complexes	Geometry	Gradient (%)
Stream C	Relatively stable.	Mostly runs.	Relatively straight	2

(c) Flow:

Tributary Name	Provides for	Events Per Year	Flow Regime	Duration & Volume
Stream C	Perennial flow	20 (or greater)	-	-

Surface Flow is:

Tributary Name	Surface Flow	Characteristics
Stream C	Discrete and confined	

Substitute Flow.			
Tributary Name	Subsurface Flow	Explain Findings	Dye (or other) Test
Stream C	_	-	

Tributary has:

Tributary Name	Bed & Banks	онwм	Discontinuous OHWM ⁷	Explain	
Stream C	X	Х	-	-	

Tributaries with OHWM⁶ - (as indicated above)

Tributary Name	онwм	Clear	Litter	Changes in Soil	Destruction Vegetation	Shelving	Wrack Line	Matted\Absent Vegetation	Sediment Sorting	Leaf Litter	Scour	Sediment Deposition	Flow Events	Water Staining	Changes Plant	Other
Stream C	X	X	-	-	Х	-	-	-	Х	X	Х	Х	-	-	-	-

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:

High Tide Line indicated by: Not Applicable.

Mean High Water Mark indicated by: Not Applicable.

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality;general watershed characteristics, etc.).

| Tributary Name | Explain | Identify specific pollutants, if known |
| Stream C | Water color clear | -

(iv) Biological Characteristics. Channel supports:

Tributary Name	Riparian Corridor	Characteristics	Wetland Fringe	Characteristics	Habitat
Stream C	X	-	X	-	Х

Habitat for: (as indicated above)

Tributary Name	Habitat	Federally Listed Species	Explain Findings	Fish\Spawn Areas	Explain Findings	Other Environmentally Sensitive Species	Explain Findings	Aquatic\Wildlife Diversity	Explain Findings
Stream C	Х	-	-	X	-	-	-	X	-

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General	Wetland	Characteristics
Properties:		

Wetland Name	Size (Acres)	Wetland Type	Wetland Quality	Cross or Serve as State Boundaries. Explain
Wetland A	.01	Emergent	Good	No
Wetland C	3.22	Forested/Emergent	Good	No

(b) General Flow Relationship with Non-TNW:

FIUW IS.			
Wetland Name	Flow	Explain	
Wetland A	Perennial flow.	-	
Wetland C	Perennial flow.	-	

Surface flow is:

Wetland Name	Flow	Characteristics		
Wetland A	Overland sheetflow	-		
Wetland C	Overland sheetflow	-		

Subsurface flow:								
	Wetland Name	Subsurface Flow	Explain Findings	Dye (or other) Test				
	Wetland A	-	-	-				
	144-411-0							

(c) Wetland Adjacency Determination with Non-TNW:

Wetland Name Directly Abutting		Discrete Wetland Hydrologic Connection	Ecological Connection Separate Berm/Ba		
Wetland A	Yes	-	-	-	
Wetland C	Yes	-	-	-	

(d) Proximity (Relationship) to TNW:

2 of 4 2/11/2013 11:27 AM

Wetland Name	River Miles From TNW	Aerial Miles From TNW	Flow Direction	Within Floodplain	
Wetland A			Wetland to navigable waters	50 - 100-year	
Wetland C			Wetland to navigable waters	50 - 100-year	

(ii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Wetland Name	Explain	Identify specific pollutants, if known
Wetland A	-	-
Wetland C	-	-

(iii) Biological Characteristics Wetland supports:

Wetland Name	Riparian Buffer	Characteristics	Vegetation	Explain	ı
Wetland A	-	-	X	Emergent/90%	ı
Wetland C	X	-	Х	Forested/75% Emergent/25%	l

Habitat for:									
Wetland Name	Habitat	Federally Listed Species	Explain Findings	Spawn Area	Explain Findings	Other Environmentally Sensitive Species	Explain Findings	Aquatic\Wildlife Diversity	Explain Findings
Wetland A	-	-	-	-	-	-	-	-	-
Wetland C	Х	X	Potential habitat for Indiana bat	-	-	-	-	-	-

3. Characteristics of all wetlands adjacent to the tributary (if any): All wetlands being considered in the cumulative analysis:

Summarize overall biological, chemical and physical functions being performed: Not Applicable.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all lits adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Significant Nexus: Not Applicable

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

1. TNWs and Adjacent Wetlands:

2. RPWs that flow directly or indirectly into TNWs:

Wetland Na	ne Flow	Explain
Stream C	PERENNIAL	Aerial photography, the Glenville, CT USGS quadrangle map, field observations and annual rainfall of 49.4 inches, indicate that the stream flows all year.

Provide estimates for jurisdictional waters in the review area

Wetland Name	Туре	Size (Linear) (m)	Size (Area) (m²)
Stream C	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs	-	809.3712
Total:		0	809.3712

3. Non-RPWs that flow directly or indirectly into TNWs: $^{8}\,$ Not Applicable.

Provide estimates for jurisdictional waters in the review area:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs

4. 446	tianus un ecu	y abutting an n	rry that now directly of multectly into rives.
Wet	land Name	Flow	Explain
Wetl	land A	PERENNIAL	Water within this wetland flows into an on-site perennial unnamed tributary to the Hudson River. Aerial photography, the Glenville, CT USGS quadrangle map, field observations and annual rainfall of 49.4 inches, indicate that the stream flows all year.
Wetl	land C	PERENNIAL	Water within this wetland flows into an on-site perennial unnamed tributary to the Hudson River. Aerial photography, the Glenville, CT USGS quadrangle map, field observations and annual rainfall of 49.4 inches, indicate that the detection flower of the control

Provide acreage estimates for jurisdictional wetlands in the review area:

Wetland Name	Туре	Size (Linear) (m)	Size (Area) (m²)
Wetland A	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	23.22576
Wetland C	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	13041.45004608
Total:		0	13064.67580608

Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs: Not Applicable.

Provide acreage estimates for jurisdictional wetlands in the review area: Not Applicable.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs: Not Applicable

Provide estimates for jurisdictional wetlands in the review area: Not Applicable.

7. Impoundments of jurisdictional waters: 9 Not Applicable.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS: 10

Identify water body and summarize rationale supporting determination:

Not Applicable.

Provide estimates for jurisdictional waters in the review area: Not Applicable.

F. NON-JURISDICTIONAL WATERS. INCLUDING WETLANDS

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce

2/11/2013 11:27 AM 3 of 4

☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area v☐ Waters do not meet the "Significant Nexus" standard, where such a finding is n	•	,	ory Bird Rule* (MBR):
Other (Explain):			
Provide acreage estimates for non-jurisdictional waters in the review area, who best professional judgment: Not Applicable.	ere the sole potential basis	s of jurisdiction is the ME	R factors (ie., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using
Provide acreage estimates for non-jurisdictional waters in the review area, that Not Applicable.	t do not meet the "Signific	ant Nexus" standard, wh	ere such a finding is required for jurisdiction.
SECTION IV: DATA SOURCES.			
A. SUPPORTING DATA. Data reviewed for JD (listed items shall be included in case file and, where checked and requested, appropriately reference	below):		
Data Reviewed	Source Label	Source Description	
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant	-	-	
Data sheets prepared/submitted by or on behalf of the applicant/consultant	-	-	
Office concurs with data sheets/delineation report	-	-	
U.S. Geological Survey map(s).	Glenville, CT	-	
USDA Natural Resources Conservation Service Soil Survey.	Westchester County, NY	-	
National wetlands inventory map(s).	Glenville, CT	-	
Photographs	l .		

B. ADDITIONAL COMMENTS TO SUPPORT JD: Not Applicable.

----Other

2/11/2013 11:27 AM 4 of 4

¹⁻Boxes checked below shall be supported by completing the appropriate sections in Section III below.

²⁻For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

 $^{^{3}\}text{-Supporting documentation is presented in Section III.F.}$

^{4.} Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵⁻Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁻rus vote can be described by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

7-bid.

^{9 -}To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

^{10.} Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos

SECTION I: BACKGROUND INFOR	MATION
A. REPORT COMPLETION DATE FOR AF	PROVED JURISDICTIONAL DETERMINATION (JD): 08-Feb-2013
B. DISTRICT OFFICE, FILE NAME, AND N	NUMBER: New York District, NAN-2011-00829-JD2
C. PROJECT LOCATION AND BACKGRO	OUND INFORMATION:
State :	NY - New York
County/parish/borough: City:	Westchester Harrison
Lat:	41.067
Long:	-73.717
Universal Transverse Mercator	Folder UTM List UTM list determined by folder location
	NAD83 / UTM zone 18N
	Waters UTM List UTM list determined by waters location
	NAD83 / UTM zone 18N
Name of nearest waterbody:	Unnamed tributary to Kensico Reservoir
Name of nearest Traditional Navigable V Name of watershed or Hydrologic Unit C	
Check if man/diagram of review area	and/or potential jurisdictional areas is/are available upon request.
	ation sites, disposal sites, etc¿) are associated with the action and are recorded on a different JD form.
D. REVIEW PERFORMED FOR SITE EVA	
	EUATION.
Office Determination Date:	Nua 2011
Field Determination Date(s): 10-A	nug-2011
OFOTION II. COMMANDO	20
SECTION II: SUMMARY OF FINDING	GS
A. RHA SECTION 10 DETERMINATION O	FJURISDICTION
There "navigable waters of the U.S." within	Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.
☐ Waters subject to the ebb and	d flow of the tide.
Waters are presently used, o	r have been used in the past, or may be susceptible for use to transport interstate or foreign commerce
Explain:	
B. CWA SECTION 404 DETERMINAT	TION OF JURISDICTION.
There "waters of the U.S." within Clean W	Vater Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.
Indicate presence of waters of U.S. in re Water Name	view area: 1 Water Type(s) Present not directly abutting RPWs that flow directly or indirectly into TNWs
Indicate presence of waters of U.S. in re Water Name Wetland B Wetlands adjacent to but re	Water Type(s) Present not directly abutting RPWs that flow directly or indirectly into TNWs
b. Identify (estimate) size of waters of the	Water Type(s) Present not directly abutting RPWs that flow directly or indirectly into TNWs
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. Indicate presence of waters of U.S. in re Water Name	Water Type(s) Present not directly abutting RPWs that flow directly or indirectly into TNWs U.S. in the review area: etlands were assessed within the review area and determined to be not jurisdictional. Explain:
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. Indicate presence of waters of U.S. in re Water Name Wetland B Wetlands adjacent to but r Deficiency (estimate) size of waters of the larea: (m²) Linear: (m) Limits (boundaries) of jurisdiction: based on: DHWM Elevation: (if known) L Non-regulated waters/wetlands: Potentially jurisdictional waters and/or we larea to the l	Water Type(s) Present not directly abutting RPWs that flow directly or indirectly into TNWs U.S. in the review area: etlands were assessed within the review area and determined to be not jurisdictional. Explain: O TNWs HAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): directly or indirectly into TNW ore entering TNW.
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1 of 3

(b) General Tributa Tributary is: Not Applicable.	ry Characteristics:	
Tributary propertie Not Applicable.	s with respect to top of bank (estimate	
Primary tributary s Not Applicable.	ubstrate composition:	
Tributary (condition Not Applicable.	ns, stability, presence, geometry, gradi	ent):
(c) Flow: Not Applicable.		
Surface Flow is: Not Applicable.		
Subsurface Flow: Not Applicable.		
Tributary has: Not Applicable.		
If factors other than	n the OHWM were used to determine la	uteral extent of CWA jurisdiction:
High Tide Line indi Not Applicable.	cated by:	
Mean High Water N Not Applicable.	lark indicated by:	
(iii) Chemical Characterize tribut Not Applicable.		od, oily film; water quality;general watershed characteristics, etc.).
(iv) Biological Char Not Applicable.	racteristics. Channel supports:	
2. Characteristics of	of wetlands adjacent to non-TNW that f	low directly or indirectly into TNW
(i) Physical Charac (a) General Wetland Properties: Not Applicable.		
(b) General Flow Re Flow is: Not Applicable.	elationship with Non-TNW:	
Surface flow is: Not Applicable.		
Subsurface flow: Not Applicable.		
(c) Wetland Adjace Not Applicable.	ncy Determination with Non-TNW:	
(d) Proximity (Relative Not Applicable.	tionship) to TNW:	
(ii) Chemical Chara Characterize tribut Not Applicable.		ed, oily film; water quality; general watershed characteristics, etc.).
(iii) Biological Char Not Applicable.	racteristics. Wetland supports:	
	of all wetlands adjacent to the tributary	
All wetlands being Wetland Name	considered in the cumulative analysis Directly Abuts Size (Area) (m²)	
Wetland B Total:	No 44.96507136 44.96507136	
	biological, chemical and physical fund	
Wetland Name Wetland B	convert, and cycle the pollutants that we	Functional Summary Glittants from nearby roads and runways which would otherwise flow directly into the unnamed tributary to the Kensico Reservoir, which then flows into the Bronx River, a TNW. Wetland B can retain, buld otherwise directly enter the TNW. Furthermore, during large storm events, the wetlands can serve as flood storage areas, retaining flood waters and precluding them from potentially flooding nearby its. On site observations show that Wetland B is separated from the unnamed tributary by approximately 10 feet and is approximately 2 feet higher in elevation and is likely subject to periodic stream flooding.
C. SIGNIFICAN	T NEXUS DETERMINATION	
integrity of a TNV integrity of a TNV	 For each of the following situations, Considerations when evaluating sign 	teristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological nificant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary
adjacent wetland	lies within or outside of a floodplain is	ermine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an snot solely determinative of significant nexus.
	xus: Not Applicable TIONS OF JURISDICTIONAL FINI	DINGS. THE SUBJECT WATERS/WETLANDS ARE:
×		,
1. TNWs and Adjac Not Applicable.		
Not Applicable.	directly or indirectly into TNWs:	
Provide estimates Not Applicable.	for jurisdictional waters in the review a	rea:
3. Non-RPWs that f	flow directly or indirectly into TNWs: ⁸	

2 of 3 2/11/2013 11:33 AM

Not Applicable.						
4. Wetlands directly abutting an RPW that it Not Applicable.	flow directly or indirectly into TNWs.					
Provide acreage estimates for jurisdictional Not Applicable.	al wetlands in the review area:					
5. Wetlands adjacent to but not directly about Applicable.	utting an RPW that flow directly or in	ndirectly into TNWs:				
Provide acreage estimates for jurisdictional Wetland Name	al wetlands in the review area:		Size (Linear) (m)	Size (Area) (m²)		
	ut not directly abutting RPWs that flow of	directly or indirectly into TNWs		44.96507136		
Total:			0	44.96507136		
6. Wetlands adjacent to non-RPWs that flow Not Applicable.	w directly or indirectly into TNWs:					
Provide estimates for jurisdictional wetland Not Applicable.	ds in the review area:					
7. Impoundments of jurisdictional waters: 9 Not Applicable.	- 9					
E. ISOLATED [INTERSTATE OR INTRA-STA Not Applicable.	ATE] WATERS INCLUDING ISOLATED) WETLANDS, THE USE, DEC	GRADATION OR DEST	TRUCTION OF WHICH	H COULD AFFECT INTERSTATE COMMERCE,	INCLUDING ANY SUCH WATERS: ¹⁰
Identify water body and summarize rational Not Applicable.	ale supporting determination:					
Provide estimates for jurisdictional waters Not Applicable.	in the review area:					
F. NON-JURISDICTIONAL WATERS. INCLU	IDING WETLANDS					
If potential wetlands were assessed with	hin the review area, these areas did not	t meet the criteria in the 1987	Corps of Engineers We	tland Delineation Man	ual and/or appropriate Regional Supplements:	
Review area included isolated waters wi	ith no substantial nexus to interstate (o	r foreign) commerce:				
Prior to the Jan 2001 Supreme Court de	,	• ,	sed soley on the "Migra	tory Bird Rule" (MBR)	•	
		-		itory bild Rule (WBR)	<u>.</u>	
■ Waters do not meet the "Significant Nex	kus" standard, where such a finding is r	equired for jurisdiction (Explair	n):			
Other (Explain):						
Provide acreage estimates for non-jurisdic best professional judgment: Not Applicable.	ctional waters in the review area, whe	ere the sole potential basis o	of jurisdiction is the M	BR factors (ie., prese	ence of migratory birds, presence of endanger	red species, use of water for irrigated agriculture), using
Provide acreage estimates for non-jurisdic	tional waters in the review area tha	t do not meet the "Significar	nt Nexus" standard w	here such a finding i	s required for jurisdiction	
Not Applicable.	cional waters in the review area, tha	t do not meet the "organical	it Nexus Standard, w	nere such a midnig i	s required for jurisdiction.	
SECTION IV: DATA SOURCES.				8		
				-		
A. SUPPORTING DATA. Data reviewed for (listed items shall be included in case file and, where c		holow):				
Data Revi			Source Description	1		
Maps, plans, plots or plat submitted by or						
Data sheets prepared/submitted by or on		-				
Office concurs with data sheets/delinear			-			
U.S. Geological Survey map(s).		Glenville, CT	-	1		
USDA Natural Resources Conservation S	Service Soil Survey	Westchester County, NY		-		
National wetlands inventory map(s).	dervice don darvey.	Glenville, CT	-	-		
Photographs		Gleriville, C1	-	-		
		-	-	-		
Aerial Other		-	-	-		
V				,		
B. ADDITIONAL COMMENTS TO SUPPORT Not Applicable.	ΓJD:					
1						
Boxes checked below shall be supported by completin	ng the appropriate sections in Section III below.					
2-For purposes of this form, an RPW is defined as a trib 3		year-round or has continuous flow at	least "seasonally" (e.g., typic	ally 3 months).		
 Supporting documentation is presented in Section III.F. 						
4-Note that the Instructional Guidebook contains addition						
5-Flow route can be described by identifying, e.g., tributa						
a rock outcrop or through a culvert), the agencies will loo	es not necessarily sever jurisdiction (e.g., where ok for indicators of flow above and below the bre	the stream temporarily flows undergak.	ground, or where the OHWMI	has been removed by deve	lopment or agricultural practices). Where there is a break in t	the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over
7 _{-lbid.}						
8-See Footnote #3.						
9 -To complete the analysis refer to the key in Section III.						
		vate the action to Corps and EPA HQ	for review consistent with th	e process described in the	Corps/EPA Memorandum Regarding CWA Act Jurisdiction F	Following Rapanos.
· · · · · · · · · · · · · · · · · · ·						

3 of 3

SECTION I: BACKGROUND INFORMATION	· ·	rs
A. REPORT COMPLETION DATE FOR APPROVED J	IURISDICTIONAL DETERMINATION (JD): 08-Feb-2013	
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: N	lew York District; NAN-2011-00829-JD3	
C. PROJECT LOCATION AND BACKGROUND INFO	RMATION:	
State :	NY - New York	
County/parish/borough:	Westchester	
City:	Harrison	
Lat: Long:	41.067 -73.717	
Universal Transverse Mercator	Folder UTM List UTM list determined by folder location	
	NAD83 / UTM zone 18N	
	Waters UTM List UTM list determined by waters location	
	NAD83 / UTM zone 18N	
Name of nearest waterbody: Name of nearest Traditional Navigable Water (TNW Name of watershed or Hydrologic Unit Code (HUC)		
Check if map/diagram of review area and/or poter	ntial jurisdictional areas is/are available upon request.	
 Check if other sites (e.g., offsite mitigation sites, of the control of the control	disposal sites, etc¿) are associated with the action and are recorded on a different JD form.	
Office Determination Date:		
Field Determination Date(s): 10-Aug-2011		
		,
SECTION II. SHIMMADY OF FINDINGS		5
SECTION II: SUMMARY OF FINDINGS		-
A. RHA SECTION 10 DETERMINATION OF JURISDIC	CTION	
There "navigable waters of the U.S." within Rivers and	Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.	
Materia subject to the old and flow of the	s tide	
Waters are presently used or have been	s ruce. In used in the past, or may be susceptible for use to transport interstate or foreign commerce.	
Explain:	rused in the past, or may be susceptible for use to transport interstate or foreign commerce.	
B. CWA SECTION 404 DETERMINATION OF J		
There "waters of the U.S." within Clean Water Act (C	WA) jurisdiction (as defined by 33 CFR part 328) in the review area.	,
. Waters of the U.S.		
. Indicate presence of waters of U.S. in review area:		
	e(s) Present	
Stream F Relatively Permanent Waters (RPWs)	that flow directly or indirectly into TNWs	
. Identify (estimate) size of waters of the U.S. in the	review area:	
Area: (m²)		
x**/		
Linear: (m)		
Linear: (m)		
inear: (m). Limits (boundaries) of jurisdiction:		
.inear: (m) . Limits (boundaries) of jurisdiction: assed on:		
.inear: (m) . Limits (boundaries) of jurisdiction: assed on:		
.inear: (m) . Limits (boundaries) of jurisdiction: based on: DHWM Elevation: (if known)		
Linear: (m) Limits (boundaries) of jurisdiction: based on: DHWM Elevation: (if known) Non-regulated waters/wetlands: 3	re assessed within the review area and determined to be not jurisdictional. Explain:	
inear: (m) Limits (boundaries) of jurisdiction: pased on: phWM Elevation: (if known) Non-regulated waters/wetlands: ³	re assessed within the review area and determined to be not jurisdictional. Explain:	
.inear: (m) Limits (boundaries) of jurisdiction: pased on: DHWM Elevation: (if known) Non-regulated waters/wetlands: 3 Potentially jurisdictional waters and/or wetlands were	re assessed within the review area and determined to be not jurisdictional. Explain:	
Linear: (m) Limits (boundaries) of jurisdiction: based on: DHWM Elevation: (if known) Non-regulated waters/wetlands: ³ Potentially jurisdictional waters and/or wetlands wer	re assessed within the review area and determined to be not jurisdictional. Explain:	
.inear: (m) . Limits (boundaries) of jurisdiction: pased on: DHWM Elevation: (if known) . Non-regulated waters/wetlands: ³ Potentially jurisdictional waters and/or wetlands were	re assessed within the review area and determined to be not jurisdictional. Explain:	
.inear: (m) . Limits (boundaries) of jurisdiction: pased on: DHWM Elevation: (if known) . Non-regulated waters/wetlands: ³ Potentially jurisdictional waters and/or wetlands wer SECTION III: CWA ANALYSIS A. TNWS AND WETLANDS ADJACENT TO TNWS	re assessed within the review area and determined to be not jurisdictional. Explain:	
Linear: (m) Limits (boundaries) of jurisdiction: DAWM Elevation: (if known) Non-regulated waters/wetlands: Potentially jurisdictional waters and/or wetlands were section III: CWA ANALYSIS A. TNWS AND WETLANDS ADJACENT TO TNWS TNW	re assessed within the review area and determined to be not jurisdictional. Explain:	
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1 of 4 2/11/2013 11:35 AM

Tributary Stream Order, if known:

Order	Tributary Name
1	Stream F

(b) General Tributary Characteristics:

Ì	Tr	ib	ut	ar	у	is:	

Tributary Name	Natural	Artificial	Explain	Manipulated	Explain
Stream F	Х	-	-	-	-

Tributary properties with respect to top of bank (estimate):

Tributary Name	Width (ft)	Depth (ft)	Side Slopes
Stream F	2.5	1	4:1 (or greater)

Primary tributary substrate composition:

Tributary Name	Silt	Sands	Concrete	Cobble	Gravel	Muck	Bedrock	Vegetation	Other
Stream F	Х	Х	-	-	-	-	Х	-	-

Tributary (conditions, stability, presence, geometry, gradient):

Tributary Name	Condition\Stability	Run\Riffle\Pool Complexes	Geometry	Gradient (%)
Stream F	relatively stable	none	Relatively straight	1

(c) Flow:

Tributary Name	Provides for	Events Per Year	Flow Regime	Duration & Volume
Stream F	Seasonal flow	20 (or greater)	-	-

Surface Flow is:

Tributary Name	Surface Flow	Characteristics
Stream F	Discrete and confined	

Tributary Name	Subsurface Flow	Explain Findings	Dye (or other) Test
Stream F	-	-	-

Tributary has:

Tributary Name	Bed & Banks	OHWM	OHWM ⁷	Explain
Stream F	X	Х	-	-

Tributaries with OHWM⁶ - (as indicated above)

	Tributary Name	онwм	Clear	Litter	Changes in Soil	Destruction Vegetation	Shelving	Wrack Line	Matted\Absent Vegetation	Sediment Sorting	Leaf Litter	Scour	Sediment Deposition	Flow Events	Water Staining	Changes Plant	Other
ı	Stream F	Х	X	-	-	X	-	-	-	-	-	Х	Х	-	-	-	-

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:

High Tide Line indicated by: Not Applicable.

Mean High Water Mark indicated by: Not Applicable.

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality;general watershed characteristics, etc.). Tributary Name | Explain | Identify specific pollutants, if known Stream F

(iv) Biological Characteristics. Channel supports

(iv) biological chan	acteriatica. Onamiei a	apports.			
Tributary Name	Riparian Corridor	Characteristics	Wetland Fringe	Characteristics	Habitat
Stream F	X	-	X	-	-

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(b) General Flow Relationship with Non-TNW:

Not Applicable

Surface flow is:

Not Applicable

Subsurface flow: Not Applicable.

(c) Wetland Adjacency Determination with Non-TNW:

(d) Proximity (Relationship) to TNW: Not Applicable.

(ii) Chemical Characteristics: Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

(iii) Biological Characteristics. Wetland supports: Not Applicable.

Characteristics of all wetlands adjacent to the tributary (if any): All wetlands being considered in the cumulative analysis: Not Applicable.

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW).

	ain, conven, and	cycle the pollutants from nearby roads, runways	and developed properties t	hat would otherwise directly	enter the TNVV.
). DETERMINA	ATIONS OF J	JRISDICTIONAL FINDINGS. THE SUBJE	CT WATERS/WETLAN	IDS ARE:	<u> </u>
TNWs and Adjact Applicable.	cent Wetlands:				,
		rectly into TNWs:			
Wetland Name Stream F	Flow				Explain is a perennial unnamed tributary to the Hudson River. Aerial photography, the Wappingers Falls, NY USGS quadrangle
	GEAGGNAE	field observations clearly showing the on-site se	easonal stream, and annual	rainfall of 40.72 inches indi	ate that the on-site stream flows at least 3 consecutive months.
rovide estimates Wetland Name	for jurisdiction	al waters in the review area: Type	Size (Li	near) (m) Size (Area)	พริ
Stream F	Relatively Per	manent Waters (RPWs) that flow directly or indire	,	40.46856	
Total:			0	40.46856	
Non-RPWs that ot Applicable.	flow directly or	indirectly into TNWs: ⁸			
**	for jurisdiction	al waters in the review area:			
Wetlands direct	ly abutting an F	RPW that flow directly or indirectly into TNWs.			
lot Applicable.	etimates for iur	isdictional wetlands in the review area:			
lot Applicable.					
i. Wetlands adjace lot Applicable.	ent to but not d	irectly abutting an RPW that flow directly or in	directly into TNWs:		
Provide acreage e lot Applicable.	stimates for jur	isdictional wetlands in the review area:			
. Wetlands adjace lot Applicable.	ent to non-RPW	s that flow directly or indirectly into TNWs:			
rovide estimates lot Applicable.	for jurisdiction	al wetlands in the review area:			
. Impoundments	of jurisdictiona	I waters: ⁹			
lot Applicable.					
					10
E. ISOLATED [INT lot Applicable.	ERSTATE OR IN	ITRA-STATE] WATERS INCLUDING ISOLATED	WETLANDS, THE USE, D	EGRADATION OR DESTR	JCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS: 10
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^{*}Boxes checked below snat be supported by completing the appropriate sections in Section in Description in Section in Description in Section in Description in Description

- a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break. $7_{\rm -bid.}$ 8. See Footnote #3.

- 9 -To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
- 10_Prior to asserting or declaring CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

2/11/2013 11:35 AM 4 of 4