	APPROVED JURISDICTIONAL DETERMII U.S. Army Corps of Enginee
SECTION I: BACKGROUND INFORMATI	
A. REPORT COMPLETION DATE FOR APPRO	VED JURISDICTIONAL DETERMINATION (JD): 14-Jan-2013
B. DISTRICT OFFICE, FILE NAME, AND NUMB	ER: New York District, NAN-2012-01234-JD1
C. PROJECT LOCATION AND BACKGROUND	INFORMATION:
State:	NY - New York
County/parish/borough: City:	Putnam Garrison
Lat:	41.3484
Long:	-73.955
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
Name of nearest waterbody:	NAD83 / UTM zone 18N Unnamed tributary to Hudson River
Name of nearest Traditional Navigable Water Name of watershed or Hydrologic Unit Code ((TNW): Hudson River
	r potential jurisdictional areas is/are available upon request.
D. REVIEW PERFORMED FOR SITE EVALUAT	ities, disposal sites, etc¿) are associated with the action and are recorded on a different JD form.
Office Determination Date:	·
Field Determination Date(s): 29-Nov-20	012
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OFOTION II. OLUMNARY SEE THE SEE	
SECTION II: SUMMARY OF FINDINGS	
A. RHA SECTION 10 DETERMINATION OF JUR	
There "navigable waters of the U.S." within Rive	rs and 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.
☐ Waters are presently used, or have Explain:	e been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. CWA SECTION 404 DETERMINATION	OF JURISDICTION.
There "waters of the U.S." within Clean Water	Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.
I. Waters of the U.S.	1
Nater Name Water Sof U.S. in review	area: ' r Type(s) Present
	RPWs) that flow directly or indirectly into TNWs
	's that flow directly or indirectly into TNWs
	s that flow directly or indirectly into TNWs
Wetland C Wetlands directly abutting RPW	s that flow directly or indirectly into TNWs
. Identify (estimate) size of waters of the U.S. i	n the review area.
Area: (m²)	THE TOTION area.
Linear: (m)	
. Limits (boundaries) of jurisdiction:	
based on:	
OHWM Elevation: (if known)	
Non-resulted	
. Non-regulated waters/wetlands: ³	
Potentially jurisdictional waters and/or wetland	Is were assessed within the review area and determined to be not jurisdictional. Explain:
SECTION III: CWA ANALYSIS	`
A. TNWs AND WETLANDS ADJACENT TO TN	Ws
	,
.TNW	
Not Applicable.	
. Wetland Adjacent to TNW lot Applicable.	
S. CHARACTERISTICS OF TRIBUTARY (THAT IS	S NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):
. Characteristics of non-TNWs that flow directl	y or indirectly into TNW
) General Area Conditions:	
Vatershed size:	
Orainage area:	
Average annual rainfall: inches Average annual snowfall: inches	
i) Physical Characteristics a) Relationship with TNW:	
Tributary flows directly into TNW.	
☐ Tributary flows through [] tributaries before er :Number of tributaries	itering TNW.
Project waters are river miles from TNW.	
Project waters are river miles from RPW.	
Project Waters are aerial (straight) miles from TN Project waters are aerial(straight) miles from RP	
Project waters cross or serve as state bounda xplain:	MICS.
dentify flow route to TNW-5	

1 of 4 1/14/2013 11:59 AM

ORM Printer Friendly JD Form

Tributary	Stream Order, if known	own:
Order	Tributary Name	
2	Stream 1	

(b) General Tributary Characteristics: Tributary is:

Tributary Name	Natural	Artificial	Explain	Manipulated	Explain
Stream 1	Х	-	-	-	-

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

Tributary Name	Width (ft)	Depth (ft)	Side Slopes
Stream 1	10	2	3:1

Primary tributary substrate composition:

Ti	ributary Name	Silt	Sands	Concrete	Cobble	Gravel	Muck	Bedrock	Vegetation	Other
S	tream 1	-	-	-	Х	Х	-	X	-	-

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

Tributary Name	Condition\Stability	Run\Riffle\Pool Complexes	Geometry	Gradient (%)
Stream 1	Relatively stable.	None	Relatively straight	7

Tributary Name	Provides for	Events Per Year	Flow Regime	Duration & Volume	
Stream 1	Perennial flow	20 (or greater)	-	-	

Surface Flow is:

Iributary Name	Surface Flow	Characteristics
Stream 1	Discrete and confined	-

Subsurface Flow:

Tributary Name	Subsurface Flow	Explain Findings	Dye (or other) Test		
Stream 1	-	-	-		

Tributary has:

Tributary Name	Bed & Banks	OHWM	Discontinuous OHWM ⁷	Explain	
Stream 1	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 1	X	X	-	-	X	-	-	-	X	X		X	-	-	-		

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 1	Water color clear	

(iv) Biological Characteristics. Channel supports:

Tributary Name	Riparian Corridor	Characteristics	Wetland Fringe	Characteristics	Habitat	
Stream 1	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 1	X	-	-	X	-	-		X	-

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

(i) Physical Characteristics: (a) General Wetland Characteristics:

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- [,	۸	,				Ξ			_	

Wetland Name	Size (Acres)	Wetland Type	Wetland Quality	Cross or Serve as State Boundaries. Explain
Wetland A	.01	Forested	Good	No
Wetland B	.02	Forested	Good	No
Wetland C	.04	Forested	Good	No

(b) General Flow Relationship with Non-TNW:

(b) General	FIC
Flow is:	

Wetland Name	Flow	Explain
Wetland A	Perennial flow.	-
Wetland B	Perennial flow.	-
Wetland C	Perennial flow.	-

Surface flow is:

Wetland Name	Flow	Characteristics				
Wetland A	Overland sheetflow	-				
Wetland B	Overland sheetflow	-				
Wotland C	Overland cheetflow					

Subsurface flow:

Wetland Name	Subsurface Flow	Explain Findings	Dye (or other) Test
Wetland A	-	-	-
Wetland B	-	-	-
Wetland C	-	-	-

c) Wedand Adjacency Determination with Non-Trave.							
Wetland Name	Directly Abutting	Discrete Wetland Hydrologic Connection	Ecological Connection	Separated by Berm/Barrier			
Wetland A	Yes	-	-	-			

2 of 4 1/14/2013 11:59 AM

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Wetland B

Wetland B

Wetland C

Wetland C	Yes	-	-	-
d) Proximity (Rela	tionship) to TN	W:		
Wetland Name	River Miles From TNW	Aerial Miles From TNW	Flow Direction	Within Floodplain
Wetland A	1 (or less)	1 (or less)	Wetland to navigable waters	50 - 100-vear

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

Wetland to navigable waters 50 - 100-year

Wetland to navigable waters 10 - 20-year

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

1 (or less)

1 (or less)

(iii) Biological Characteristics. Wetland supports:

1 (or less)

1 (or less)

Wetland Name	Riparian Buffer	Characteristics	Vegetation	Explain
Wetland A	X	-	X	Forested/85%
Wetland B	X	-	X	Forested/90%
Wetland C	X	-	X	Forested/80%

Habitat for:

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

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:

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:

Not Applicable

2. RPWs that flow	directly or	indirectly into	TNWs:

Wetland Name	Flow	Explain
Stream 1	PERENNIAL	Aerial photography, the Peekskill, NY USGS quadrangle map, field observations and annual rainfall of 43.6 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) (m ²)
Stream 1	Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs	303.5808	-
Total:		303.5808	0

3. Non-RPWs that flow directly or indirectly into TNWs: 8

Provide estimates for jurisdictional waters in the review area:

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

	abatang an it if that now already or intallectly into 14443.							
Wetland Name	Flow	Explain						
Wetland A PERENNIAL Water within this wetland flows into an on-site perennial unnamed tributary to the Hudson River. Aerial photography, the Peekskill, NY USGS quadrangle map, field observations and annual rainfall of stream flows all year.								
Wetland B	PERENNIAL	Water within this wetland flows into an on-site perennial unnamed tributary to the Hudson River. Aerial photography, the Peekskill, NY USGS quadrangle map, field observations and annual rainfall of 43.6 inches, indicate that the stream flows all year.						
Wetland C	PERENNIAL	Water within this wetland flows into an on-site perennial unnamed tributary to the Hudson River. Aerial photography, the Peekskill, NY USGS quadrangle map, field observations and annual rainfall of 43.6 inches, indicate that the stream flows all year.						

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	-	46.26571392						
Wetland B	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	65.31083712						
Wetland C	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs	-	144.55713024						
Total:		0	256.13368128						

5. 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.

3 of 4 1/14/2013 11:59 AM

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS INCLUDING ISOLATED Not Applicable.	D WETLANDS, TH	IE 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 no	t meet the criteria i	in the 1987 Corps of Engir	ueers Wetland Delineation Manual and/or appropriate Regional Supplements:
Review area included isolated waters with no substantial nexus to interstate (or			· · · · · · · · · · · · · · · · · · ·
			an "Microton, Ried Dule" (MDD).
Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area		-	e migratory bird rule (mbr).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is r	equired for jurisdic	tion (Explain):	
Other (Explain):			
Provide acreage estimates for non-jurisdictional waters in the review area, wh best professional judgment: Not Applicable.	ere the sole poter	ntial basis of jurisdiction	is the MBR 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, tha Not Applicable. SECTION IV: DATA SOURCES.	t do not meet the	"Significant Nexus" star	ndard, where such a finding is required for jurisdiction.
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).	Peekskill, NY	-	
Photographs	-	-	
Aerial	-	-	
Other	-	-	
B. ADDITIONAL COMMENTS TO SUPPORT JD: Not Applicable.			
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 cont	tinuous flow at least "seasonally"	(e.g., typically 3 months).
Supporting documentation is presented in Section III.F.			
4-Note that the Instructional Guidebook contains additional information regarding swales, ditches, wash	es, and erosional featu	res generally and in the arid Wes	st.
5-Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow.	ow into tributary b, whic	h then flows into TNW.	
6-A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the bre	e the stream temporari	ly flows underground, or where the	ne OHWM has been removed 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
7 _{-lbid.}			
8-See Footnote #3.			
9 To complete the analysis refer to the low in Section III D 6 of the Instructional Guidebook			

Office Determination Date(s):		APPROVED JURISDICTIONAL DETERMIN U.S. Army Corps of Engineer	
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: New You During, New 20th DURING CONTROL OF THE NUMBER OF	SECTION I: BACKGROUND INFORMATION	Α.	
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Now You's Country provided to Country provided by Country provi	A. REPORT COMPLETION DATE FOR APPROVED JU	URISDICTIONAL DETERMINATION (JD): 14-Jan-2013	
C. PROJECT LOCATION AND SACKGROUND INFORMATION: State: NY - New York County Spatial high-crosgin: A 1-1044 City: Gardison Ci			
City: Garden City:	B. DISTRICT OFFICE, FILE NAME, AND NUMBER: No	w York District, NAN-2012-01234-JD2	
County private Monorage: City: City:			
Lief: 1,3444 Long: 77,355 Universal Transverse Mercator Pooler UTM Last UTM size classmane of process waterbody: 1,000,000 Name of nearest waterbody: 1,000,000 Check if applicagement provine was an ardor potential princetional areas size available upon request. Check if other sizes (e.g., office mingston sizes, disposal sizes, etc.) are associated with the action and are recorded on a different JD form. D. REVIEW PERFORMED FOR SITE EVALUATION: Check if other sizes (e.g., office mingston sizes, disposal sizes, etc.) are associated with the action and are recorded on a different JD form. D. REVIEW PERFORMED FOR SITE EVALUATION: Check if other sizes (e.g., office mingston sizes, disposal sizes, etc.) are associated with the action and are recorded on a different JD form. D. REVIEW PERFORMED FOR SITE EVALUATION: Check if other sizes (e.g., office mingston sizes, disposal sizes, etc.) are associated with the action and are recorded on a different JD form. D. REVIEW PERFORMED FOR SITE EVALUATION: Check if other sizes (e.g., office mingston sizes, disposal sizes, etc.) are associated with the action and are recorded on a different JD form. Resident Summan Form of Sizes (PM) of Sizes (PM) principlication (as defined by 33 CFR part 329) in the review area. Waters as subject to the oble and floor of the tiss. Waters of the U.S. in review area. Waters of the U.S. in the revi			
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** NADBS / UTIM zone 16N Waters DTM List United discharance of waters according ** NADBS / UTIM zone 16N United discharance of waters according ** NADBS / UTIM zone 16N United discharance of waters according to the control of	Universal Transverse Mercator		
Name of nearest waterbody: Name of nearest waterbody: Duranced fributary is Pulstone River Name of valest statistical Navigable Water (TINN): Huston River Name of valest-had or hydrologic Unit Code (PUC): (2020006 Duranced fributary is Pulstone River Name of valest-had or hydrologic Unit Code (PUC): (2020006 Deck if regional or fever we are and or poented jurisdictional areas is later available upon request. Deck if regional or fever we are and or poented jurisdictional areas is later available upon request. Deck if regional or fever we area and or poented jurisdiction Pulstone River Name of valest-had or poented Pulstone River Name of va		· · · · · · · · · · · · · · · · · · ·	
ANDRS / UTM zone 18 N Name of nearest statistical Navigable Water (TMV): Instance River Name of nearest Statistical Navigable Water (TMV): Instance River Name of nearest Statistical Navigable Water (TMV): Instance River Name of nearest of the Opticalization (See (IUC): 1020/2003 **Deck if Inspiritiogram of review area entire operating introdictional areas is date entitlable upon request. **Check of other state (e.g., diffale milegation state, disposal state, ster.) are associated with the action and are recorded on a different JD form. **D RECTION II: SUMMARY OF FINDINGS **SECTION II: SUMMARY OF FINDINGS **A RHA SECTION 10 DETERMINATION OF JURISDICTION There "revigable awards of the U.S." within Clear and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. **Legislam: **B. CWA SECTION 40 DETERMINATION OF JURISDICTION There "values on the U.S." within Clears Water Act (CWA) jurisdiction (as defined by 33 CFR part 329) in the review area. **Legislam:** **B. CWA SECTION 40 DETERMINATION OF JURISDICTION There "values of the U.S." within Clears Water Act (CWA) jurisdiction (as defined by 33 CFR part 329) in the review area. **Legislam:** **Legi			
Name of nearest froitional Navigable Water (TWN): Justice River Name of varietation of hydrodogic Land Cell (PUIC): (2002)003 Chack if mapidagram of review area and/or potential jurisdictional areas is/are available upon request. Check if other site (e.g., other infligation sites, disposal sites, etc.) are associated with the action and are recorded on a different JD form. DetRIEW PERFORMED FOR SITE EVALUATION: Field Determination Date: Field Determination Date: Field Determination Date: Field Determination Date: Pield Determination Date: Section 1: SUMMARY OF FINDINGS A. RIA SECTION 10 DETERMINATION OF JURISDICTION There "avaigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. Waters as a subject to the de band of the 16th. Waters are presently used, or have been used in the past, or may be succeptible for use to transport interestate or foreign commerce. Explain: B. CWA SECTION 404 DETERMINATION OF JURISDICTION. There is waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 329) in the review area. Waters Attended to U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 329) in the review area. Waters Attended to U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 329) in the review area. Water States Water States Water Typed Present Water (Present States) Water Typed Water Typed			
Name of watershed or hydrologic Unit Code (NUC): 02200005 Check if inheriates (e.g., offster mitigation sites, disposal sites, etc.) are associated with the action and are recorded on a different JD form. D. REVIEW PERFORMED FOR SITE EVALUATION: Check if other sites (e.g., offster mitigation sites, disposal sites, etc.) are associated with the action and are recorded on a different JD form. D. REVIEW PERFORMED FOR SITE EVALUATION: Check if other instemation Date: Field Determination Date(e): 29-Nov-2012 SECTION II: SUMMARY OF FINDINGS A. RNA SECTION 10 DETERMINATION OF JURISDICTION There "horigingle waters of the U.S." within Rivers and National Act (RNA) jurisdiction (as defined by 33 CFR past 329) in the review area. Waters subject to the either and floor of the 6do. Waters subject to the either and floor of the 6do. Waters are presently used, or have been used in the past, or may be susceptifie for use to transport intensists or foreign commerce. Explaint: B. CWA SECTION 404 DETERMINATION OF JURISDICTION. There "vaters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR past 329) in the review area. Waters of the U.S. In review area. Water State Section (In U.S. in review area. Water State Section (In U.S. in review area. Water State Section (In U.S. in review area. Water Name Wat			
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D. REVIEW PERFORMED FOR SITE EVALUATION: Fleet Determination Date(s)	Check if map/diagram of review area and/or potent	rial jurisdictional areas is/are available upon request.	
Office Determination Date(s):	☐ Check if other sites (e.g., offsite mitigation sites, dis	sposal sites, etc¿) are associated with the action and are recorded on a different JD form.	
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wlaters subject to the ebb and flow of the tide. wlaters are presently used, of have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.	A. RHA SECTION 10 DETERMINATION OF JURISDIC	TION	
Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.	There "navigable waters of the U.S." within Rivers and I	Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.	
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Explain:	Project waters are aerial(straight) miles from RPW.		
	Explain: dentify flow route to TNW: ⁵		

1 of 4 1/14/2013 12:03 PM

ORM Printer Friendly JD Form

Tributary Stream Order, if known:							
Order	Tributary Name						
2	Stream 2						

(b) General Tributary Characteristics:

	Tributary is:									
	Tributary Name	Natural	Artificial	Explain	Manipulated	Explain				
	Stream 2	X	-	-	-	-				

Tributary properties with respect to top of bank (estimate)

inbutary properties with respect to top or bank (estimate).							
Tributary Name	Width (ft)	Depth (ft)	Side Slopes				
Stream 2	8	2	2:1				

Primary tributary substrate composition:

Tributary Name	Silt	Sands	Concrete	Cobble	Gravel	Muck	Bedrock	Vegetation	Other
Stream 2	-	-	-	Х	X	-	Х	-	-

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

Tributary Name	Condition\Stability	Run\Riffle\Pool Complexes	Geometry	Gradient (%)
Stream 2	Relatively stable.	None	Relatively straight	10

(c) Flow:

Tributary Name	Provides for	Events Per Year	Flow Regime	Duration & Volume
Stream 2	Perennial flow	20 (or greater)	-	-

Surface Flow is:

Tributary Name	Surface Flow	Characteristics
Stream 2	Discrete and confined	-

Subsurface Flow:

Tributary Name	Subsurface Flow	Explain Findings	Dye (or other) Test
Stream 2	-	-	_

Tributary has:

Tributary Name	Bed & Banks	онwм	Discontinuous OHWM ⁷	Explain
Stream 2	X	X	-	-

Tributaries with OH	butaries with OHWM ⁶ - (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 2	Х	X	-	-	X	-	-	-	X	X	-	X	-	-	-	-

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 2	Water color clear	-

(iv) Biological Characteristics. Channel supports:

iv) biological characteristics. Chariner supports.													
Tributary Name	Riparian Corridor	Characteristics	Wetland Fringe	Characteristics	Habitat								
Stream 2	X	-			X								

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 2	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: Not Applicable.

(b) General Flow Relationship with Non-TNW: Flow is:

Not Applicable.

Subsurface flow: Not Applicable.

(c) Wetland Adjacency Determination with Non-TNW: Not Applicable.

(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.). Not Applicable.

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

3. 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: Not Applicable.

2 of 4 1/14/2013 12:03 PM

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 Name Stream 2 PERENNIAL Aerial photography, the Peekskill, NY USGS quadrangle map, field observations and annual rainfall of 43.6 inches, indicate that the stream flows all year. Provide estimates for jurisdictional waters in the review area Size (Linear) (m) Size (Area) (m²) **Wetland Name** Type Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs 3. Non-RPWs that flow directly or indirectly into TNWs:⁸ Provide estimates for jurisdictional waters in the review area: Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. Not Applicable. Provide acreage estimates for jurisdictional wetlands in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs: 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: 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: Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based soley on the "Migratory Bird Rule" (MBR): ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (Explain): Other (Explain): Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (ie., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment: Not Applicable Provide acreage estimates for non-jurisdictional waters in the review area, that do not meet the "Significant Nexus" standard, where 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 Source Label Source Description Data Reviewed --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). Peekskill, NY

----Other

B. ADDITIONAL COMMENTS TO SUPPORT JD:

--Photographs

3 of 4 1/14/2013 12:03 PM

^{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⁻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.

^{6.} A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWMhas been removed 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. $7_{\rm -blid}$. $8_{\rm -}$ 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 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.

1/14/2013 12:03 PM 4 of 4

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

SECTION I: E	BACKGROUND INFORMATION						
A. REPORT CO	DMPLETION DATE FOR APPROVED	D JURISDICTIONAL DETERMINATION (JD): 14-Jan-2013					
B. DISTRICT O	FFICE, FILE NAME, AND NUMBER	New York District, NAN-2012-01234-JD3					
C. PROJECT L	OCATION AND BACKGROUND INF	ORMATION:					
State :		NY - New York					
County/parish	/borough:	Putnam					
City:		Garrison					
Lat:		41.3484					
Long:		-73.955					
Universal Tran	nsverse Mercator	Folder UTM List					
		UTM list determined by folder location					
		NAD83 / UTM zone 18N Makes HTML is a					
		Waters UTM List UTM list determined by waters location					
		NAD83 / UTM zone 18N					
Name of near	est waterbody:	Unnamed tributary to Hudson River					
	est Traditional Navigable Water (TN	•					
	rshed or Hydrologic Unit Code (HU	•					
	, ,						
Check if n	nap/diagram of review area and/or po	tential jurisdictional areas is/are available upon request.					
Check if c	other sites (e.g., offsite mitigation sites	, disposal sites, etc¿) are associated with the action and are recorded on a different JD form.					
D. REVIEW PE	RFORMED FOR SITE EVALUATION	:					
Office Det	termination Date:						
	ermination Date(s): 29-Nov-2012						
E Field Dete	ermination Date(s). == 29-Nov-2012						
		· ·					
SECTION II:	SUMMARY OF FINDINGS						
A. RHA SECTION	ON 10 DETERMINATION OF JURISI	DICTION					
There are "nav	igable waters of the U.S." within River	s and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.					
V	Vaters subject to the ebb and flow of t	he tide.					
V	Vaters are presently used, or have be	en used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
Explain: Wate	rs within the project boundary are tida	Illy-influenced wetlands, at the same elevation as the Mean High Water mark of the Hudson River.					
B. CWA SEC	TION 404 DETERMINATION OF	JURISDICTION.					
There "waters	s of the U.S." within Clean Water Act ((CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.					
I. Waters of the							
a. Indicate prese	ence of waters of U.S. in review are	a: ¹					
Water Name	Water Type(s) Present						
Wetland D	Wetlands adjacent to TNWs						
o. Identify (estin	nate) size of waters of the U.S. in th	e review area:					
Area: (m²)	,						
Linear: (m)							
. ,	laries) of jurisdiction:						
•							
based on:	n; (if known)						
OHWM Elevatio	III. (II KIIOWII)						
. Non-regulated waters/wetlands: ³							

(c) Flow: Not Applicable.

Surface Flow is: Not Applicable.

Subsurface Flow: Not Applicable.

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **SECTION III: CWA ANALYSIS** A. TNWs AND WETLANDS ADJACENT TO TNWs 1.TNW Not Applicable. 2. Wetland Adjacent to TNW **Wetland Name** Summarize rationale supporting conclusion that wetland is "adjacent": Wetland D is located at and below the Mean High Water line of the Hudson River and is affected by the ebb and flow of the tide. Wetland D Wetland D continues off the project boundary, flowing directly into the Hudson River. B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): 1. Characteristics of non-TNWs that flow directly or indirectly into TNW (i) General Area Conditions: Watershed size: Drainage area: Average annual rainfall: inches Average annual snowfall: inches (ii) Physical Characteristics (a) Relationship with TNW: Tributary flows directly into TNW. Tributary flows through [] tributaries before entering TNW. :Number of tributaries Project waters are river miles from TNW. Project waters are river miles from RPW. Project Waters are aerial (straight) miles from TNW. Project waters are aerial(straight) miles from RPW. Project waters cross or serve as state boundaries. Explain: Identify flow route to TNW:⁵ Tributary Stream Order, if known: Not Applicable. (b) General Tributary Characteristics: Tributary is: Not Applicable. Tributary properties with respect to top of bank (estimate): Not Applicable. Primary tributary substrate composition: Not Applicable. Tributary (conditions, stability, presence, geometry, gradient): Not Applicable.

Tributary has: Not Applicable.
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, et Not Applicable.
(iv) Biological Characteristics. Channel supports: Not Applicable.
2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW
(i) Physical Characteristics: (a) General Wetland Characteristics: Properties: Not Applicable.
(b) General Flow Relationship with Non-TNW: Flow is: Not Applicable.
Surface flow is: Not Applicable.
Subsurface flow: Not Applicable.
(c) Wetland Adjacency Determination with Non-TNW: Not Applicable.
(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, e Not Applicable.
(iii) Biological Characteristics. Wetland supports: Not Applicable.
3. 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: 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 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). 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: **Wetland Name** Type Size (Linear) (m) Size (Area) (m²) Wetland D Wetlands adjacent to TNWs 206.2447488 Total: 0 206.2447488 2. RPWs that flow directly or indirectly into TNWs: Not Applicable. Provide estimates for jurisdictional waters in the review area: Not Applicable. 3. Non-RPWs that flow directly or indirectly into TNWs:⁸ Not Applicable. Provide estimates for jurisdictional waters in the review area: Not Applicable 4. Wetlands 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 5. 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 Not Applicable. 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: Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based soley on the "Migratory Bird Rule" (MBR): Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (Explain): Other (Explain):

1/14/2013 12:06 PM 4 of 5

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (ie., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment:

Not Applicable.

Provide acreage estimates for non-jurisdictional waters in the review area, that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction.

Not Applicable.

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).	Peekskill, NY	-
Photographs	-	-
Aerial	-	-
Other	-	-

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Not Applicable.

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.

⁶⁻A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed 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&}lt;sub>-Ibid.</sub>

⁸⁻See Footnote #3.

 $^{^{\}mbox{\scriptsize 9}}$ -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.