SECTION I: BACKGROUND INFORM	U.S. Army Corps of Engineers
	ROVED JURISDICTIONAL DETERMINATION (JD): 27-Sep-2012
B. DISTRICT OFFICE, FILE NAME, AND NU	
C. PROJECT LOCATION AND BACKGROU	
State:	NY - New York
County/parish/borough:	Orange Middletown
City: Lat:	Middletown 41.4367
Long:	-74.388
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 popular unitarity	NAD83 / UTM zone 18N Magazia Craek
Name of nearest waterbody: Name of nearest Traditional Navigable Wa Name of watershed or Hydrologic Unit Co	
Check if map/diagram of review area ar	d/or potential jurisdictional areas is/are available upon request.
Check if other sites (e.g., offsite mitigation of the control of t	on sites, disposal sites, etc¿) are associated with the action and are recorded on a different JD form.
Office Determination Date:	ATION.
Field Determination Date(s): 26-Oc	k-2011
	<i>y</i>
SECTION II: SUMMARY OF FINDING	3
A. RHA SECTION 10 DETERMINATION OF	
There "navigable waters of the U.S." within F	Rivers 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 leading.	have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
•	
B. CWA SECTION 404 DETERMINATION	
There "waters of the U.S." within Clean wa	ter Act (CWA) 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 rev	ew area:1
Waters of the U.S. Indicate presence of waters of U.S. in rev Water Name Water	
Waters of the U.S. Indicate presence of waters of U.S. in rev Water Name Water Wetland D Isolated (interstate or intrast	ew area:1 Type(s) Present ate) waters, including isolated wetlands
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1 of 3

(b) General 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. (c) Flow: Not Applicable. Surface Flow is: Not Applicable. Subsurface Flow: Not Applicable. Subsurface Flow: Not Applicable. Tributary has: Not Applicable.
Not Applicable. Primary tributary substrate composition: Not Applicable. Tributary (conditions, stability, presence, geometry, gradient): Not Applicable. (c) Flow: Not Applicable. Surface Flow is: Not Applicable. Subsurface Flow: Not Applicable. Tributary has:
Not Applicable. Tributary (conditions, stability, presence, geometry, gradient): Not Applicable. (c) Flow: Not Applicable. Surface Flow is: Not Applicable. Subsurface Flow: Not Applicable. Tributary has:
Not Applicable. (c) Flow: Not Applicable. Surface Flow is: Not Applicable. Subsurface Flow: Not Applicable. Tributary has:
Not Applicable. Surface Flow is: Not Applicable. Subsurface Flow: Not Applicable. Tributary has:
Not Applicable. Subsurface Flow: Not Applicable. Tributary has:
Not Applicable. Tributary has:
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.). 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, 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.
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: Not Applicable.
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.

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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 TNN Not Applicable.
Provide acreage estimates for jurisdictional wetlands in the review area: Not Applicable.
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 Immanuadamente of invited intigual materia 9

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

Waters Name	Travelers		Commerce	Interstate	Explain	Other Factors	Explain
Wetland D	-	-	-	-	-	-	-

55pc	- 1-	Wetland D Total:	Isolated (interstate or intrastate) waters, including isolated wetlands	-	8947.598616 8947.598616
	- 1-	Water Name		Size (Linear) (m)	, ,, ,

F. NON-JURISDICTIONAL WATERS. INCLUDING WETLANDS

- In fotential 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):

There are no features within Wetland D which are or could be used by interstate or foreign travelers for recreational or other purposes. There are no areas from which fish or shellfish can be or are taken and sold in interstate or foreign commerce. There are no areas which are or could be used for industrial purpose by industries in interstate commerce. Consequently, there does not appear to be a reasonable nexus with interstate commerce. Also, the use, degradation or loss of Wetland D will not affect other waters of the U.S. or affect interstate or foreign commerce.

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:

	Total:		0	8947.598616
	Wetland D	Isolated (interstate or intrastate) waters, including isolated wetlands	-	8947.598616
1	Water Name	Туре	Size (Linear) (m)	Size (Area) (m²)

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.

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SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD

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).	Middletown, NY	-
USDA Natural Resources Conservation Service Soil Survey.	Orange County, NY	-
National wetlands inventory map(s).	Middletown, NY	-
State/Local wetland inventory map(s):	Middletown, NY	-
Photographs	-	-
Aerial	-	-
Other	-	-

B. ADDITIONAL COMMENTS TO SUPPORT JD: Not Applicable.

1,

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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).

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

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>-lbid</sub>.

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 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 Repands

		APPROVED JURISDICTIONAL DETERMI U.S. Army Corps of Enginee
SECTION I: B	ACKGROUND INFORMATION	O.G. T. H., Coppe of English
A. REPORT COI	MPLETION DATE FOR APPROVED JURISDICTION	ONAL DETERMINATION (JD): 27-Sep-2012
B. DISTRICT OF	FICE, FILE NAME, AND NUMBER: New York District	t, NAN-2009-00215-JD2
C. PROJECT LC	OCATION AND BACKGROUND INFORMATION:	
State :	NY - New	York
County/parish/l City:	borough: Orange Middletow	rn
Lat:	41.4367	
Long:	-74.388	
Jniversai irans		IM List letermined by folder location 33 / UTM zone 18N
	Waters L	JTM List
		letermined by waters location
Name of neares		33 / UTM zone 18N Creek
Name of neares	st Traditional Navigable Water (TNW): Hudson R shed or Hydrologic Unit Code (HUC): 02020007	iver
	ap/diagram of review area and/or potential jurisdict	
		s, etc¿) are associated with the action and are recorded on a different JD form.
). REVIEW PER	FORMED FOR SITE EVALUATION:	
	ermination Date:	
Field Deter	mination Date(s): 26-Oct-2011	
ECTION II: S	UMMARY OF FINDINGS	
A. RHA SECTIO	N 10 DETERMINATION OF JURISDICTION	
		t (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.
	aters subject to the ebb and flow of the tide.	noct or may be expossible for use to transport interstate as fareign
Explain:	aters are presently used, or have been used in the	past, or may be susceptible for use to transport interstate or foreign commerce.
•	ION 404 DETERMINATION OF JURISDICT	ION
		tion (as defined by 33 CFR part 328) in the review area.
more watere	or the e.e. what of court rate rate (every) around	ton (ac defined by ee of it part els) in the ferror area.
Water Name Wetland A Wetland B	Water Type(s) Present Wetlands directly abutting RPWs that flow directly Wetlands directly abutting RPWs that flow directly	
Identify (estima	ate) size of waters of the U.S. in the review area	:
rea: (m²)		
near: (m)		
Limits (bounda	ries) of jurisdiction:	
sed on:		
HWM Elevation	: (if known)	
Non-regulated	waters/wetlands: ³	
		within the review area and determined to be not jurisdictional. Explain:
otentiany juriso	netional waters undro! wettands were assessed	within the review area and determined to be not jurisdictional. Explain.
SECTION III: 0	CWA ANALYSIS	
A. TNWs AND W	VETLANDS ADJACENT TO TNWs	
TNW ot Applicable.		
Wetland Adjace	ent to TNW	
ot Applicable.		
CHARACTERIS	STICS OF TRIBUTARY (THAT IS NOT A TNW) AI	ND ITS ADJACENT WETLANDS (IF ANY):
Characteristics	s of non-TNWs that flow directly or indirectly in	to TNW
General Area C	Conditions:	
latershed size:	13.35 square miles	
rainage area: verage annual i	80.17 acres rainfall: 48 inches	
	snowfall: 43 inches	
) Physical Char) Relationship v		
	s directly into TNW.	
Tributary flow	s through [] tributaries before entering TNW.	
Number of tributa	aries	
	re 1-2 river miles from TNW.	
	re 1 (or less) river miles from RPW.	
-	re 1 (or less) aerial (straight) miles from TNW. re 1 (or less) aerial(straight) miles from RPW.	
	urn group or nonce as state hours.	
Project wate	ers cross or serve as state boundaries.	

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ORM Printer Friendly JD Form

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.

Surface Flow is:

Subsurface Flow: 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, etc.).

(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:

Wetland Name	Size (Acres)	Wetland Type	Wetland Quality	Cross or Serve as State Boundaries. Explain
Wetland A	18.28	Emergent/Forested	Good	No
Wetland B	.76	Forested	Good	No

(b) General Flow Relationship with Non-TNW:

Wetland Name Flow

Wetland Name	Flow	Explain
Wetland A	Intermittent flow.	-
Wetland B	Intermittent flow.	-

Surface	flow	is

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

Subsurface flow:

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

(c) Wetland Adjacency Determination with Non-TNW:

Wetland Name	Directly Abutting	Discrete Wetland Hydrologic Connection	Ecological Connection	Separated by Berm/Barrier
Wetland A	Yes	-	-	-
Wetland B	Yes	-	-	-

(d) Proximity (Relationship) to TNW:

Wetland Name	River Miles From TNW	Aerial Miles From TNW	Flow Direction	Within Floodplain
Wetland A	1-2	1 (or less)	Wetland to navigable waters	500-year or greater
Wetland B	1-2	1 (or less)	Wetland to navigable waters	500-year or greater

(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 B	-	-

(iii) Biological Characteristics. Wetland supports:

Wetland Name	Riparian Buffer	Characteristics	Vegetation	Explain
Wetland A	-	-	X	Emergent/40% Forested/60%
Wetland B	-	-	X	Forested/85%

nabitat ioi.									
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	Х	X	Potential habitat for endangered Indiana bat.	-	-	-	-	-	-
Wetland B	Х	X	Potential habitat for endangered Indiana bat.	-	-	-	-	-	-

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

Summarize overall bi	iological, chemical and physical functions being performe	d:		
Not Applicable.				
	NEXUS DETERMINATION			
integrity of a TNW. integrity of a TNW. and all its adjacent	For each of the following situations, a significant nexus ex Considerations when evaluating significant nexus include	kists if the tributary, i , but are not limited t xus based solely on a	n combination with all o to the volume, duration, any specific threshold of	ormed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological it is adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an
Findings for: Wet Wetlands A and B as storage areas.		vert, and cycle the polli	utants from nearby roads	and homes that would otherwise directly enter the TNW. Furthermore, during large storm events, the wetlands can serve as flood
D. DETERMINATI	IONS OF JURISDICTIONAL FINDINGS. THE SUBJE	ECT WATERS/WET	LANDS ARE:	7
TNWs and Adjacer Not Applicable.	nt Wetlands:			
2. RPWs that flow dir Not Applicable.	rectly or indirectly into TNWs:			
Provide estimates for Not Applicable.	r jurisdictional waters in the review area:			
3. Non-RPWs that floo Not Applicable.	w directly or indirectly into TNWs: ⁸			
Provide estimates for Not Applicable.	r jurisdictional waters in the review area:			
4. Wetlands directly a Wetland Name	abutting an RPW that flow directly or indirectly into TNWs Flow			Explain
Wetland A S	SEASONAL Water within this wetland flows through a culve 48 inches, and annual snowfall of 43 inches inc			ned tributary to Monhagen Brook. Aerial photography, field observations clearly showing the off-site seasonal stream, annual rainfall of secutive months.
Wetland B		rt under Schutt Road, t	hen into a seasonal unnar	ned tributary to Monhagen Brook. Aerial photography, field observations clearly showing the off-site seasonal stream, annual rainfall of
	mates for jurisdictional wetlands in the review area:			
Wetland Name Wetland A	Type Wetlands directly abutting RPWs that flow directly or indirectly		near) (m) Size (Area 73980.5745	
Wetland B \	Wetlands directly abutting RPWs that flow directly or indirectly	into TNWs -	3063.46999	2
Total: 5. Wetlands adjacent	to but not directly abutting an RPW that flow directly or in	ndirectly into TNWs:	77044.0445	28
Not Applicable. Provide acreage estil	mates for jurisdictional wetlands in the review area:			
Not Applicable.	DDW that flow disease a last such a last Table			
Not Applicable.	to non-RPWs that flow directly or indirectly into TNWs:			
Provide estimates for Not Applicable.	r jurisdictional wetlands in the review area:			
7. Impoundments of j Not Applicable.	jurisdictional waters: ⁹			
E. ISOLATED [INTER: Not Applicable.	STATE OR INTRA-STATE] WATERS INCLUDING ISOLATED	WETLANDS, THE US	SE, DEGRADATION OR I	DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS: 10
Identify water body a Not Applicable.	and summarize rationale supporting determination:			
Provide estimates for Not Applicable.	r jurisdictional waters in the review area:			
	NAL WATERS. INCLUDING WETLANDS		4007.0	Welland Differential Manual and to account to Declaration Complements
	nos were assessed within the review area, these areas did not luded isolated waters with no substantial nexus to interstate (o		e 1987 Corps of Engineers	Wetland Delineation Manual and/or appropriate Regional Supplements:
Prior to the Jan 2	2001 Supreme Court decision in "SWANCC," the review area	would have been regula		fligratory Bird Rule" (MBR):
Waters do not me	eet the "Significant Nexus" standard, where such a finding is n	equired for jurisdiction	(Explain):	
Other (Explain):				
best professional jud		ere the sole potential	basis of jurisdiction is t	ne MBR factors (ie., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), usin
Not Applicable. Provide acreage estil Not Applicable.	mates for non-jurisdictional waters in the review area, that	t do not meet the "Sig	gnificant Nexus" standar	d, where such a finding is required for jurisdiction.
SECTION IV: DAT	TA SOURCES			N
A. SUPPORTING DA	ATA. Data reviewed for JD			•
(listed items shall be inclu	uded in case file and, where checked and requested, appropriately reference Data Reviewed	Source Label	Source Description	
	s or plat submitted by or on behalf of the applicant/consultant	-	-	
	ared/submitted by or on behalf of the applicant/consultant with data sheets/delineation report	-	-	
U.S. Geological S	Survey map(s).	Middletown, NY	-	
USDA Natural Re National wetlands	esources Conservation Service Soil Survey. s inventory map(s).	Orange County, NY Middletown, NY	-	
State/Local wetlan	nd inventory map(s):	Middletown, NY	-	
Photographs		-	-	
Other		-	-	

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B. ADDITIONAL COMMENTS TO SUPPORT JD: Not Applicable.

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

 3 -Supporting documentation is presented in Section III.F.

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^{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).

^{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.

^{*-}two route 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.

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 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.

	APPROVED JURISDICTIONAL DETERMIN, U.S. Army Corps of Engineers
SECTION I: BACKGROUND INFORMATION	U.S. Army Corps of Engineers
A. REPORT COMPLETION DATE FOR APPROVED JU	URISDICTIONAL DETERMINATION (JD): 27-Sep-2012
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: New	w York District, NAN-2009-00215-JD3
C. PROJECT LOCATION AND BACKGROUND INFOR	MATION:
State :	NY - New York
County/parish/borough: City:	Orange Middletown
Lat:	41.4367
Long: Universal Transverse Mercator	-74.388 Folder UTM List
Cintologi manorologi mologici	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 Masonic Creek
Name of nearest Traditional Navigable Water (TNW):	Hudson River
Name of watershed or Hydrologic Unit Code (HUC):	02020007
Check if map/diagram of review area and/or potent	
	sposal sites, etc¿) are associated with the action and are recorded on a different JD form.
D. REVIEW PERFORMED FOR SITE EVALUATION:	
Office Determination Date: Field Determination Date(s): 26-Oct-2011	
- I will betermination bate(s). = 20-0ct-2011	,
SECTION II: SUMMARY OF FINDINGS	N
	TION
A. RHA SECTION 10 DETERMINATION OF JURISDIC There "navigable waters of the U.S." within Rivers and I	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 t	tide. used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:	note in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. CWA SECTION 404 DETERMINATION OF JU	RISDICTION.
	/A) jurisdiction (as defined by 33 CFR part 328) in the review area.
·	
I. Waters of the U.S.	
a. Indicate presence of waters of U.S. in review area: 1 Water Name Water Type(s)	Present
Wetland C Wetlands directly abutting RPWs that fl	ow directly or indirectly into TNWs
b. Identify (estimate) size of waters of the U.S. in the re	view area:
Area: (m²) Linear: (m)	
c. Limits (boundaries) of jurisdiction:	
based on:	
OHWM Elevation: (if known)	
2. Non-regulated waters/wetlands: ³	
	assessed within the review area and determined to be not jurisdictional. Explain:
solution of the state of the st	assessed main the review area and determined to be not jurisdictional. Explain.
SECTION III: CWA ANALYSIS	
A. TNWs AND WETLANDS ADJACENT TO TNWs	7
TANA	
I. TNW Not Applicable.	
Watland Adjacent to TNW	
t. Wetland Adjacent to TNW Not Applicable.	
B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT	A TNW) AND ITS ADJACENT WETLANDS (IF ANY):
. Characteristics of non-TNWs that flow directly or inc	
i) General Area Conditions:	· ····•••
Watershed size: 13.35 square miles	
Drainage area: 25.368 acres Average annual rainfall: 48 inches	
Average annual snowfall: 43 inches	
III Discolari Characteristics	
ii) Physical Characteristics a) Relationship with TNW:	
Tributary flows directly into TNW.	TANK
Tributary flows through [] tributaries before entering :Number of tributaries	īNW.
Project waters are 1 (or less) river miles from TNW.	
Project waters are 1 (or less) river miles from RPW.	
Project Waters are 1 (or less) aerial (straight) miles from Project waters are 1 (or less) aerial(straight) miles from	
	········
Project waters cross or serve as state boundaries. Explain:	
Identify flow route to TNW: ⁵	
Wetland C flows directly into a seasonal unnamed tributar	y to Monhagen Brook, then into the Wallkill River, which is a TNW.

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Tributary Stream Order, if known: (b) General Tributary Characteristics: Tributary properties with respect to top of bank (estimate): Primary tributary substrate composition: Not Applicable. Tributary (conditions, stability, presence, geometry, gradient): Not Applicable. (c) Flow: Not Applicable Surface Flow is: Subsurface Flow: 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: Mean High Water Mark indicated by: Characterize tributary (e.g., water color is clear, discolored, oily film; water quality;general watershed characteristics, etc.). 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: Wetland Name | Size (Acres) | Wetland Type | Wetland Quality | Cross or Serve as State Boundaries. Explain 2.76 Forested Good No (b) General Flow Relationship with Non-TNW: Wetland Name Flow Explain Intermittent flow. -Wetland C Surface flow is: Wetland Name Flow Characteristics Wetland C Discrete -Subsurface flow: Wetland Name | Subsurface Flow | Explain Findings | Dye (or other) Test Wetland C (c) Wetland Adjacency Determination with Non-TNW Wetland Name Directly Abutting Hydrologic Connection Separated by Berm/Barrier **Ecological Connection** Wetland C (d) Proximity (Relationship) to TNW: Wetland Name River Miles Aerial Miles From TNW From TNW Flow Direction Within Floodplain Wetland to navigable waters 100 - 500-year Wetland C 1 (or less) 1 (or less) (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 (iii) Biological Characteristics. Wetland supports:

	wetland Name	Riparian Butter	Characteristics	vegetation	Explain
	Wetland C	-	-	X	Forested/90%
ı					

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

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 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.

Findings for: Wetland C

Wetland C and the seasonal stream that it directly abuts, can retain, convert, and cycle the pollutants from nearby roads and homes that would otherwise directly enter the TNW. Furthermore, during large storm events, the wetland can serve as a flood storage area

N			,
D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJ	ECT WATERS/WET	LANDS ARE:	
1. TNWs and Adjacent Wetlands: Not Applicable.			
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			
Wetland Name Flow Wetland C SEASONAL Water within this wetland flows through a culve of 48 inches, and annual snowfall of 43 inches	rt under Randall Airpor indicate that the off-site	t, then into a seasonal ur e stream flows at least 3	Explain named tributary to Monhagen Brook. Aerial photography, field observations clearly showing the off-site seasonal stream, annual rainfall consecutive months.
Provide acreage estimates for jurisdictional wetlands in the review area:			
Wetland Name Type Wetland C Wetlands directly abutting RPWs that flow directly or indirectly Total:		near) (m) Size (Area 11165.2757 11165.2757	704
Wetlands adjacent to but not directly abutting an RPW that flow directly or in Not Applicable.	ndirectly 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 Not Applicable.) WETLANDS, THE U	SE, 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	meet the criteria in the	e 1987 Corps of Enginee	rs Wetland Delineation Manual and/or appropriate Regional Supplements:
Review area included isolated waters with no substantial nexus to interstate (o	• ,	-td-bdl	Wileston Did Odd AND
Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area was a Waters do not meet the "Significant Nexus" standard, where such a finding is r			Migratory Bira 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 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.	t do not meet the "Sig	gnificant Nexus" standa	ord, where such a finding is required for jurisdiction.
SECTION IV: DATA SOURCES.			N. Company of the Com
SUPPORTING DATA. Data reviewed for JD (listed items shall be included in case file and, where checked and requested, appropriately reference.)	helow):		
Data Reviewed	Source Label	Source Description	
Maps, plans, plots or plat submitted by or on behalf of the applicant/consultantData sheets prepared/submitted by or on behalf of the applicant/consultant	-	-	
Office concurs with data sheets/delineation reportU.S. Geological Survey map(s).	- Middletown, NY	-	
USDA Natural Resources Conservation Service Soil Survey.	Orange County, NY	-	
National wetlands inventory map(s). State/Local wetland inventory map(s):	Middletown, NY Middletown, NY	-	_
Photographs	-	-	
Aerial	-	-	-
B. ADDITIONAL COMMENTS TO SUPPORT JD:			-,
Not Applicable.			
Boxes checked below shall be supported by completing the appropriate sections in Section III below.		e flow at least the	n Australia 2 manifest
$^2\text{-}\text{For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows ^3\text{-}\text{Supporting documentation is presented in Section III.F.}$			у, уржану о полио).
4-Note that the Instructional Guidebook contains additional information regarding swales, ditches, wash	es, and erosional features go	enerally and in the arid West.	
5 -Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to floce. A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where	the stream temporarily flow		DHWM 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 bre 7-lbid.	ak.		
8-See Footnote #3.			

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

¹⁰⁻Prior to asserting or decining 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.

	APPROVED JURISDICTIONAL DETERMI U.S. Army Corps of Enginee
SECTION I: BACKGROUND INFORMATION	
A. REPORT COMPLETION DATE FOR APPROVED JU	JRISDICTIONAL DETERMINATION (JD): 27-Sep-2012
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Ne	w York District, NAN-2009-00215-JD4
C. PROJECT LOCATION AND BACKGROUND INFOR	MATION:
State:	NY - New York
County/parish/borough: City:	Orange Middletown
Lat: Long:	41.4367 -74.388
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 Masonic Creek
Name of nearest Traditional Navigable Water (TNW): Name of watershed or Hydrologic Unit Code (HUC):	Hudson River
Check if map/diagram of review area and/or potent	
	sposal sites, etc¿) are associated with the action and are recorded on a different JD form.
D. REVIEW PERFORMED FOR SITE EVALUATION:	
☐ Office Determination Date: ☐ Field Determination Date(s): ☐ 26-Oct-2011	
, ——————	
SECTION II: SUMMARY OF FINDINGS	
A. RHA SECTION 10 DETERMINATION OF JURISDIC	TION
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 flow of the	
Waters are presently used, or have been Explain:	used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. CWA SECTION 404 DETERMINATION OF JU	IPISDICTION
	VA) 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 Water Name Water Typ	e(s) Present
	that flow directly or indirectly into TNWs
Wetland E Wetlands directly abutting RPWs that	flow directly or indirectly into TNWs
Identify (estimate) size of waters of the U.S. in the r	eview area:
Area: (m²) .inear: (m)	
Limits (boundaries) of jurisdiction:	
pased on:	
DHWM Elevation: (if known)	
. Non-regulated waters/wetlands: ³	
Potentially jurisdictional waters and/or wetlands were	assessed within the review area and determined to be not jurisdictional. Explain:
SECTION III: CWA ANALYSIS	N .
A. TNWs AND WETLANDS ADJACENT TO TNWs	
	,
.TNW lot Applicable.	
. Wetland Adjacent to TNW lot Applicable.	
B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT	
. Characteristics of non-TNWs that flow directly or in	unecuy into 1/444
Natershed size:	
Drainage area:	
Average annual rainfall: inches	
=	
Average annual snowfall: inches	
Average annual snowfall: inches ii) Physical Characteristics a) Relationship with TNW:	
Average annual snowfall: inches	TNW.
	TNW.
Average annual snowfall: inches iii) Physical Characteristics a) Relationship with TNW: Tributary flows directly into TNW. Tributary flows through [] tributaries before entering: Number of tributaries Project waters are river miles from TNW.	TNW.
Average annual snowfall: inches ii) Physical Characteristics i) Relationship with TNW: Tributary flows directly into TNW. Tributary flows through [] tributaries before entering: Number of tributaries	TNW.
Physical Characteristics Relationship with TNW: Tributary flows directly into TNW. Tributary flows through [] tributaries before entering Number of tributaries rorject waters are river miles from TNW. Troject waters are river miles from RPW. Troject waters are areial (straight) miles from TNW.	TNW.
Physical Characteristics Relationship with TNW: Tributary flows directly into TNW. Tributary flows through [] tributaries before entering Number of tributaries rorject waters are river miles from TNW. Troject waters are river miles from RPW. Troject waters are aerial (straight) miles from TNW. Project waters are aerial (straight) miles from RPW.	TNW.
Physical Characteristics Relationship with TNW: Tributary flows directly into TNW. Tributary flows through [] tributaries before entering Number of tributaries Project waters are river miles from TNW. Project waters are areal (straight) miles from TNW. Project waters are aerial (straight) miles from TNW. Project waters are aerial (straight) miles from RPW. Project waters are aerial (straight) miles from RPW.	TNW.

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Tributary Stream Order, if known: Order Tributary Name Masonic Creek

(b) General Tributary Characteristics:

Tributary Name Natural Artificial Explain Manipulated Explain

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

Tributary Name | Width (ft) | Depth (ft) | Side Slopes Masonic Creek 40 4 3:1

Primary tributary substrate composition:

Tributary Name Silt Sands Concrete Cobble Gravel Muck Bedrock Vegetation Other Masonic Creek X X X - - - - - - - - - - -

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

Tributary Name Condition\Stability Run\Riffle\Pool Complexes

Masonic Creek Stable None Geometry Gradient (%) Relatively straight 2

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

Surface Flow is:

Tributary Name Surface Flow Characteristics Masonic Creek Confined

Tributaries with OHWM⁶ - (as indicated above)

Tributary Name OHWM Clear Litter

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

Masonic Creek Unknown -

Tributary has:

Tributary Nam	e Bed & Banks	OHWM	OHWM ⁷	Explain
Masonic Creek	X	Х	-	-

х х -

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

High Tide Line indicated by: Not Applicable.

Masonic Creek

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.).

Changes Destruction

in Soil Vegetation

Shelving Wrack Line

Tributary Name Explain Identify specific pollutants, if known Masonic Creek Water color is clear, good water quality -

(iv) Biological Characteristics. Channel supports:

Tributary Name | Riparian Corridor | Characteristics | Wetland Fringe | Characteristics | Habitat

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
Masonic Creek	х	x	Possible habitat for endangered Indiana bat within forested fringe that shades the stream.	-	-	-	-	х	-

Matted\Absent Sediment

Vegetation

Sorting

Sediment

Deposition

Flow Events

Staining

Other

Plant

Leaf Litter Scour

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

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

Wetland Name | Size (Acres) | Wetland Type | Wetland Quality | Cross or Serve as State Boundaries. Explain Forested Wetland E 2.21 Good No

(b) General Flow Relationship with Non-TNW:

Wetland Name Flow Explain Wetland E Perennial flow. -

Surface flow is:

Wetland Name Flow Ch
Wetland E Overland sheetflow -Characteristics

 Subsurface flow:
 Wetland Name
 Subsurface Flow
 Explain Findings
 Dye (or other) Test
 Wetland E

(c) Wetland Adjacency Determination with Non-TNW:

Wetland Name Directly Abutting Discrete Wetland Hydrologic Connection Separated by **Ecological Connection** Berm/Barrier Wetland E Yes

(d) Proximity (Relationship) to TNW:

Wetland Name	River Miles From TNW	Aerial Miles From TNW	Flow Direction	Within Floodplain
Wetland E	1 (or less)	1 (or less)	Wetland to navigable waters	100 - 500-year

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(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 E - -	
(iii) Biological Characteristics. Wetland supports: Wetland Name Riparian Buffer Characteristics Vegetation Explain Wetland E	
Wetaliu E A Polesieu9976	
Habitat for: Wetland Name Habitat Federally Listed Species Explain Findings Spawn Area Explain Findings Environmentally Contribute	
Wetland E X X Potential habitat for endangered Indiana bat	
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 to 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 biologic 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 trib 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 a adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.	al outary
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	
Provide estimates for jurisdictional waters in the review area:	
Wetland Name Type Size (Linear) (m) Size (Area) (m³) Masonic Creek Relatively Permanent Waters (RPWs) that flow directly or indirectly into TNWs - 1667.304672	
Total: 0 1667.304672	
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.	
Wetland Name Flow Explain Wetland E PERENNIAL Water within this wetland flows off site, then directly into Masonic Creek. Aerial photography, the Middletown, NY USGS quadrangle map, field observations, annual rainfall of 48 inches, and annual snowfall of 43 inches, in that the stream flows all year.	idicate
Provide acreage estimates for jurisdictional wetlands in the review area:	
Wetland Name Type Size (Linear) (m) Size (Area) (m²) Wetland E Wetlands directly abutting RPWs that flow directly or indirectly into TNWs - 8943.55176	
Total: 0 8943.55176	
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):	
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 agricultules to the professional judgment: Not Applicable.	re), usin

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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

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).	Middletown, NY	-
USDA Natural Resources Conservation Service Soil Survey.	Orange County, NY	-
National wetlands inventory map(s).	Middletown, NY	-
State/Local wetland inventory map(s):	Middletown, NY	-
Photographs	-	-
Aerial	-	-
Other	-	-

B. ADDITIONAL COMMENTS TO SUPPORT JD: Not Applicable.

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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 ratural 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. Ibid.

⁸⁻See Footnote #3.

 $[\]boldsymbol{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