



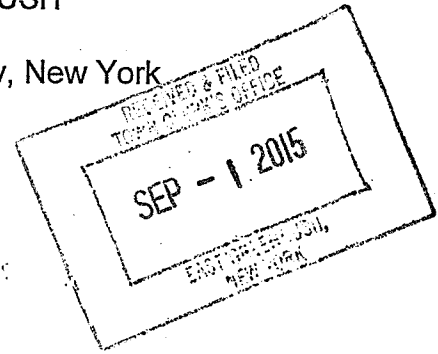
DEPARTMENT OF THE ARMY
US Army Corps of Engineers, ATTN: CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington St., Building 10, 3rd Fl. North
Watervliet, New York 12189-4000

Upstate New York Section

AUG 27 2015

SUBJECT: Permit Application Number NAN-2015-00726-USH
by Covered Bridge Partners, LLC
Town of East Greenbush, Rensselaer County, New York

Armond Quadrini
Covered Bridge Partners, LLC
450 Loudon Road
Loudonville, New York 12211



Dear Mr. Quadrini :

On July 02, 2015, the New York District of the U.S. Army Corps of Engineers received a request for a Department of the Army jurisdictional determination for a 48.705 acre site, currently owned by Paul and Elissa Wells. This request was made by North Country Ecological Services, Inc., as consultant for Covered Bridge Partners, LLC. The site is located in the Hudson River watershed, along Michael Road, in the Town of East Greenbush, Rensselaer County, New York.

The submittal received by this office on July 02, 2015, included a proposed delineation of the extent of waters of the United States within the project boundary. A site inspection was conducted by representatives of this office on July 17, 2015, in which it was agreed that changes would be made to the delineation and that the modified delineation would be submitted to this office. On July 21, 2015, this office received the modified delineation.

Based on the material submitted and the observations of the representatives of this office during the site inspection, this site has been determined to contain jurisdictional waters of the United States based on: the presence of wetlands determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology according to criteria established in the 1987 "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, and current guidance, that are part of a tributary system; the presence of a defined water body (e.g. stream channel, lake, pond, river, etc.) which is part of a tributary system; and the fact that the location includes property below the ordinary high water mark of a water body as determined by the presence of physical markings including, but not limited to, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris or other characteristics of the surrounding area.

These jurisdictional waters of the United States are shown on the drawing entitled "Covered Bridge Village Residential Development, Wetland Delineation Map", prepared by L. Sipperly & Associates, PLLC, dated June 25, 2014, and last revised July

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21, 2015. This drawing indicates that there are 11.413 acres of waters of the United States, including wetlands and 6,111 linear feet of stream channel within the subject property which are considered to be part of a tributary system.

It should be noted that, in light of the U.S. Supreme Court decision (Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178, January 9, 2001), the remaining wetland shown on the above referenced drawing does not meet the current criteria of waters of the United States under Section 404 of the Clean Water Act. This wetland is identified as Wetland ISO, and consists of a total of 0.018 acres within the subject property. The Court ruled that isolated, intrastate waters can no longer be considered waters of the United States, based solely upon their use by migratory birds.

This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This determination was documented using the Approved Jurisdictional Determination Form, promulgated by the Corps of Engineers in June 2007. A copy of that document is enclosed with this letter, and will be posted on the New York District website at:

<http://www.nan.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations.aspx>

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a combined Notification of Appeal Process (NAP) and Request For Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

James W. Haggerty, Regulatory Program Manager
North Atlantic Division, U.S. Army Engineer Division
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, New York 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by OCT 25 2015. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This determination may not be valid for the wetland conservation provisions of

the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

If any questions should arise concerning this matter, please contact Brad Sherwood, of my staff, at (518) 266-6355.

Sincerely,



Amy L. Gitchell
Chief, Upstate New York Section

Enclosures

cc: NYSDEC, Region 4, Schenectady
Town of East Greenbush
T. Ward - North Country Ecological Services, Inc.
P. and E. Wells w/ enclosures