

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

DISTRICT OFFICE: Buffalo
 FILE NUMBER: 2003-01624
 REGULATORY PROJECT MANAGER: Crosson Date: 03/26/04
 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (X) Date: 01/05/04
 At the project site (X) Date: 07/31/03

PROJECT LOCATION INFORMATION:

State: New York
 County: NIAGARA
 Center coordinates of site by latitude & longitudinal coordinates: N-43°06'59"/W-078°41'03"
 Approximate size of site/property (including uplands & in acres): 117
 Name of waterway or watershed: MUD CREEK WATERSHED

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		✓							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

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

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

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

TYPE OF DETERMINATION: Preliminary Or Approved ✓

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Buffalo
 FILE NUMBER: 2004 00750
 REGULATORY PROJECT MANAGER: McDannell Date: 3/30/04
 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 1/5/04
 At the project site (Y/N) Date: 1/5/04

PROJECT LOCATION INFORMATION:
 State: New York
 County: Orle
 Center coordinates of site by latitude & longitudinal coordinates: 42.9974 78.8148
 Approximate size of site/property (including uplands & in acres): ≈ 6.0 AC
 Name of waterway or watershed: ELLIOTT CR WATERSHED

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands			✓						
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

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

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

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

TYPE OF DETERMINATION: Preliminary Or Approved X

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Buffalo
 FILE NUMBER: 2003-01827
 REGULATORY PROJECT MANAGER: Metivier Date: 1/06/2004
 PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 12/20/2003
 At the project site Y (Y/N) Date: 8/14/2003
 PROJECT LOCATION INFORMATION:
 State: New York
 County: ERIE
 Center coordinates of site by latitude & longitudinal coordinates: 42.86054/74.69272
 Approximate size of site/property (including uplands & in acres): 10
 Name of waterway or watershed: Buffalo Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		<input checked="" type="checkbox"/>							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

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

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

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

TYPE OF DETERMINATION: Preliminary Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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DISTRICT OFFICE: Buffalo
 FILE NUMBER: 2604-00130
 REGULATORY PROJECT MANAGER: Metivier Date: B 1/20/2004
 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 1/20/2004
 At the project site (Y/N) Date: 04-18-2003
 PROJECT LOCATION INFORMATION:
 State: New York
 County: Eric
 Center coordinates of site by latitude & longitudinal coordinates: 42.80001 / 78.72425
 Approximate size of site/property (including uplands & in acres): 61
 Name of waterway or watershed: Cazenovia Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow		X							
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

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

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

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

TYPE OF DETERMINATION: Preliminary Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Buffalo
 FILE NUMBER: 2004-00712

REGULATORY PROJECT MANAGER: McDannell

Date: 3/30/04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N)
 At the project site Y (Y/N)

Date: 02/11/04
1/5/04

PROJECT LOCATION INFORMATION:

State: New York

County: Niagara

Center coordinates of site by latitude & longitudinal coordinates: 43.0449 x 78.8612

Approximate size of site/property (including uplands & in acres): 11 ACRES

Name of waterway or watershed: TOWAWANDA CREEK WATERSHED

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands				✓					
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

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

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

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

TYPE OF DETERMINATION: Preliminary Or Approved .

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Buffalo
FILE NUMBER: 1999-01650 - Ianno
REGULATORY PROJECT MANAGER: Doran **Date:** 3/27/04
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** **(N)** **Date:** 2/16/04
At the project site **(N)** **Date:** 10/7/03
PROJECT LOCATION INFORMATION:
State: New York
County: Onondaga
Center coordinates of site by latitude & longitudinal coordinates: 43-10-46
Approximate size of site/property (including uplands & in acres): 76-15-31 27 acres
Name of waterway or watershed: Wetland in Seneca River watershed.

SITE CONDITIONS: Old agricultural

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow	<input checked="" type="checkbox"/>								
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

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

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

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

TYPE OF DETERMINATION: Preliminary Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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DISTRICT OFFICE: Buffalo
 FILE NUMBER: 2004-00788
 REGULATORY PROJECT MANAGER: McDannel Date: 3/26/04
 PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: 2/25/04
 At the project site (Y/N) Date: 12/16/03
 PROJECT LOCATION INFORMATION:
 State: New York
 County: Eric
 Center coordinates of site by latitude & longitudinal coordinates: 42.9016 x 78.7082
 Approximate size of site/property (including uplands & in acres): 4.5 ac
 Name of waterway or watershed: Cayuga Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	<input checked="" type="checkbox"/>								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

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

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

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

TYPE OF DETERMINATION: Preliminary Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Buffalo
 FILE NUMBER: 200400800
 REGULATORY PROJECT MANAGER: McDannell Date: 3/30/04
 PROJECT REVIEW/DETERMINATION COMPLETED: In the office __ (Y/N) Date: 2/28/04
 At the project site __ (Y/N) Date: 1/5/04
 PROJECT LOCATION INFORMATION:
 State: New York
 County: _____
 Center coordinates of site by latitude & longitudinal coordinates: 43.0087 x 78.222
 Approximate size of site/property (including uplands & in acres): ~10 AC
 Name of waterway or watershed: ELLIOTT CR WATERSHED

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	<input checked="" type="checkbox"/>								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

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

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

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

TYPE OF DETERMINATION: Preliminary __ Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

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DISTRICT OFFICE: Buffalo
 FILE NUMBER: 2001-02420
 REGULATORY PROJECT MANAGER: Metivier Date: 3 Mar 2004
 PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 3 Mar 2004
 At the project site Y (Y/N) Date: 25 Jul 2003
 PROJECT LOCATION INFORMATION:
 State: New York
 County: Erie
 Center coordinates of site by latitude & longitudinal coordinates: 43.00538 / 78.62965
 Approximate size of site/property (including uplands & in acres): 36
 Name of waterway or watershed: Ransom Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands			X						
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

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

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

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

TYPE OF DETERMINATION: Preliminary Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):