



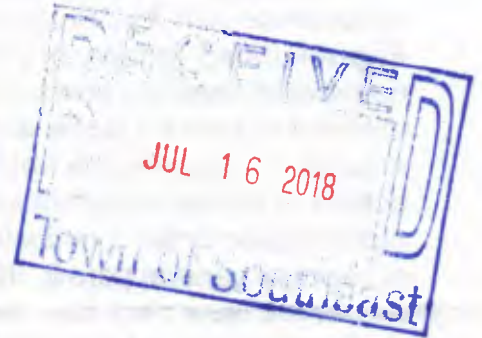
**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

JUL 12 2018

Regulatory Branch

SUBJECT: Proposed Northeast Interstate Logistics Center

Town of Southeast Planning Board  
C/o Victoria Desidero  
1 Main St.  
Brewster, NY 10509



To Whom it May Concern:

This letter is in response to your June 14, 2018 correspondence requesting comments regarding the proposed Northeast Interstate Logistics Center, located at New York State (NYS) Route 312 and Pugsley Road, Town of Southeast, Putnam County, NY.

The New York District, U.S. Army Corps of Engineers does not take a position for or against this proposed action. It should be noted that the Draft Environmental Impact Statement prepared as part of the NY State Environmental Quality Review indicates that there are wetlands and other surface waters located on the parcels. If the development will involve work in waters of the United States, including the discharge of fill material into streams or wetlands, then the proposed activities may require a Department of the Army permit.

The Army Corps of Engineers regulates activities that include dredging or construction activities in or over any navigable waters of the United States, the placement of any dredged or fill material in any waters of the United States (including coastal or inland wetlands), or the accomplishment of any work affecting the course, location, condition or capacity of such areas. Such activities may require a Department of the Army permit, in accordance with 33 CFR 320-330.

Most waterbodies, including wetlands, intermittent streams and natural drainage courses, are considered to be waters of the United States. Currently, the New York State Department of Environmental Conservation (NYSDEC) recognizes and maps state freshwater wetlands as those wetland areas that are 12.4 acres or more and/or are ecologically unique. A NYSDEC determination classifying an area as a non-state regulated wetland does not free a property owner from his or her obligations under the Clean Water Act; the Corps regulates the discharge of dredged or fill material into most freshwater wetlands, regardless of size.

To remain out of Department of the Army jurisdiction completely, we recommend that the applicant limit the project to those areas upland of any waters or wetlands of the

1.16.18 scanned & e-mailed to P.B., B.E. & D. Richmond

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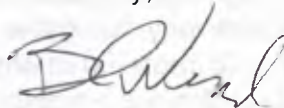
United States. Not only is this environmentally sound, but it could potentially save the applicant considerable time and expense while attempting to obtain necessary federal, state or local permits.

It is possible that a project may qualify for a nationwide general permit, in accordance with 33 CFR 330 and the Issuance of Nationwide Permits in the Federal Register dated January 6, 2017 (82 FR 1860 - 2008). An activity is authorized under a nationwide general permit only if that activity and the permittee satisfy all of the nationwide permit's terms and conditions. Unless a nationwide general permit contains a condition requiring the applicant to notify the Corps prior to undertaking the proposed activity, a written authorization is not necessary. Activities that do not qualify for authorization under a nationwide general permit may still be authorized by an individual or regional general permit. **It should be noted that because this project is located within the New York City Water Supply East of Hudson Watersheds, which is a designated critical resource water, the use of many nationwide general permits is restricted in the project area.** The nationwide general permits are available for review using the following website:

<http://www.nan.usace.army.mil/Missions/Regulatory/Nationwide-Permits/>

It should also be noted that whenever a multiple-lot subdivision is submitted to the Corps of Engineers for review, it must be designed, to the maximum extent practicable, such that wetlands are not located on the resulting individual lots. If the applicant cannot design the subdivision in accordance with this requirement, the submittal must include a discussion as to why this requirement cannot be accomplished, along with a detailed description as to how the wetlands area on each individual lot will be adequately protected.

Sincerely,



Brendan Newell  
Project Manager  
Western Permits Section