



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

REPLY TO
ATTENTION OF

Upstate New York Section

JUN 02 2010

SUBJECT: Permit Application No. NAN-2008-01474
by Schuyler Companies
Town of Ghent, Columbia County, New York
Village of Chatham, Columbia County, New York

Melissa Aucompaugh
Schuyler Companies
596 New Loudon Road
Latham, New York 12110

On May 20, 2010, this office received additional information regarding your Joint Application for Permit, and the attached drawing entitled "Wetland Disturbance Plan, Proposed Supermarket", prepared by Infinigy Engineering and Surveying, and dated March 9, 2010, and last revised May 18, 2010. The submitted information describes a proposal that would consist of the following:

The discharge of fill material into 0.087 acres of waters of the United States, including wetlands to facilitate the construction of a commercial development, a proposed supermarket, and associated attendant features, off NYS Route 66. In addition, a total of 0.003 acres of waters of the United States will be impacted temporarily to facilitate the construction of a 8-foot wide bottomless arch culvert. All temporary impacts will be restored to preexisting conditions and contours.

Based upon the information provided, it appears that your proposed work may be authorized under Department of the Army nationwide general permit number: 39.

Please refer to the enclosed material for information pertaining to the nationwide general permit program. The work may be performed without further authorization from this office provided the activity complies with the terms and conditions of the Nationwide Permits (NWP) and the permit conditions listed in Section B, No. 39, Section C, any applicable New York District regional conditions, and any applicable regional conditions added by the State of New York. Please note that NWP General Condition No. 12 requires the installation and maintenance of proper soil erosion and sediment controls during construction.

Please note that, as you requested, this nationwide permit (NWP) authorization is based on a preliminary jurisdictional determination (JD). A preliminary JD is not appealable. If you wish, prior to commencement of the authorized work you may request an approved JD, which may be appealed, by contacting the New York District, U.S. Army Corps of Engineers for further instruction. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review U.S. Army Corps of Engineers Regulatory Guidance Letter No. 08-02, which can be found at:

<http://www.usace.army.mil/CECW/Documents/cecwo/reg/rgls/rgl08-02.pdf>

Please note that this determination does not eliminate the need to obtain any other Federal, State or local authorizations required by law for the above described work, including any required permit from the NYSDEC.

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

<http://www.nan.usace.army.mil/business/buslinks/regulat/survey.htm>

Any inquiries can be directed to the undersigned at (518) 266-6355.

Sincerely,



Brad Sherwood
Project Manager
Upstate New York Section

Enclosures

Cf: NYSDEC Region 4, Schenectady (DEC # 4-1038-00137/00001)
Town of Ghent
Village of Chatham
M. Kiburz – Infinigy Engineering and Surveying