



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

Regulatory Division

SUBJECT: Permit Application Number NAN-2025-00146
by MILR, LLC

MILR, LLC
Attn: Gerald Jacobowitz, Esq.
P.O. Box 366
Walden, NY 12586

Dear Mr. Jacobowitz:

On August 7, 2024, the New York District of the U.S. Army Corps of Engineers received a request for a Department of the Army jurisdictional determination for the above referenced project. The site consists of approximately 54 acres, located at 41.523335, -74.211404, Towns of Montgomery, Orange County, New York.

In the email received on August 7, 2024, your office submitted a proposed delineation of the extent of waters of the United States within the subject property. A site inspection was conducted by a representative of this office on October 22, 2025.

Based on the material submitted and the observations of the representatives of this office during the site visit, 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 that are either adjacent to or 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, high tide line or mean high water mark of a water body as determined by known gage data or 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 "ACOE WETLANDS DELINEATION MAP", prepared by Engineering & Surveying Properties, dated April 29, 2024. These drawing indicate that the subject property contains three (3) jurisdictional waters of the United States. Wetland A is approximately 0.664 acres and flows to an offsite culverted stream. Wetland C is approximately 1.457 acres and Wetland D is approximately 8.744 acres and both drain into a culvert that is channeled directly into a tributary of the Wallkill River.

It should be noted that, in accordance with the "Revised Definition of 'Waters of the United States'" (88 FR 3004, January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'" (88 FR 61964, September 8, 2023), the remainder of the wetlands shown on the above referenced drawing (Wetland B) do not meet the current criteria of waters of the United States under Section 404 of the Clean Water Act.

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 delineation/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:

Andrew Dangler, Regulatory Appeals Review Officer
U.S. Army Corps of Engineers
North Atlantic Division, Fort Hamilton
301 John Warren Avenue, First Floor
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 _____. 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 delineation/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 CENAN-R-Permit-App@usace.army.mil.

Sincerely,

Rosita Miranda
Chief, Metro NY/NJ Branch

Enclosures

