



REPLY TO
ATTENTION OF

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

FEB 1 - 2007

Regulatory Branch

Subject: Enforcement Case No. 2004-047 (NAN-2004-505)
Scenic Development, LLC
Town of Ramapo, Rockland County, New York

Mr. Greg M. Fleischer
Carpenter Environmental Associates, Inc.
307 Museum Village Road
P.O. Box 656
Monroe, New York 10950

Dear Mr. Fleischer:

On May 17, 2004, the New York District of the U.S. Army Corps of Engineers issued a Cease and Desist Order to Scenic Development, LLC, restricting further construction on the project site of a residential development known as Patrick Farm, located between Route 202 and Route 306, in the Town of Ramapo, Rockland County, New York. This order was based on observations by a representative of this office during a site inspection on May 12, 2004, when it was noted that fill had been placed in waters of the United States, particularly streams and wetlands, on the project site, without prior authorization from this office.

In a letter dated November 27, 2006, Carpenter Environmental Associates, as environmental consultants for the project, detailed measures that had been taken to remediate the previously impacted areas, and provided a preliminary layout for the future development of the site, including its proposed impacts to areas within the jurisdiction of this office. On December 19, 2006, a representative of this office conducted an inspection of the project site with representatives of Carpenter Environmental Associates. In a letter dated January 12, 2007, Carpenter Environmental Associates described the further measures that had been taken to complete the remediation of the previously impacted areas, and submitted a drawing entitled "Patrick Farm, Town of Ramapo, Rockland County, New York - Preliminary Layout Study (SF)", dated January 10, 2006, with revised graphics dated January 15, 2007, which set out a proposal for the current project, which involves the construction of 139 single-family homes.

Based on observations during the recent site inspection and the submittals of the project consultant, it appears that the completed remedial measures have fully addressed the enforcement concerns of this office with regard to the previously impacted areas. Accordingly, the Cease and Desist Order issued by this office on May 17, 2004, is considered rescinded, effective on the date of this letter, and the relevant enforcement case is considered administratively closed.

Subject: Enforcement Case No. 2004-047 (NAN-2004-505)
Scenic Development, LLC
Town of Ramapo, Rockland County, New York

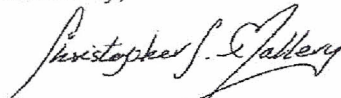
This office has reviewed the proposal for the further development of the site, and specifically the above-referenced drawing, and has determined that the prior and proposed impacts of the project as set out in this drawing are sufficiently minor in scope as to be considered authorized under nationwide general permits (specifically nationwide general permit No. 39), provided that the remainder of the project is carried out in accordance with the general conditions of the nationwide general permit program. In this last regard, and in light of the sensitive nature of the watercourses on the site, it would be in the best interests of the project sponsor to be especially diligent in the design and implementation of adequate erosion and sediment controls during construction on the project site.

If, at any time during the course of construction, the project is modified in such a manner that it would have additional impacts to areas identified on the above-referenced drawing as wetlands and waters of the United States, additional written authorization from this office will be necessary prior to the implementation of such modifications.

It is anticipated that the project will be carried out in accordance with all appropriate state and local approvals that may be required.

Your cooperation with the regulatory requirements of this office is appreciated. If any questions should arise concerning this matter, please contact me at 917-790-8418.

Sincerely,



Christopher S. Mallery, Ph.D.
Chief, Harbor Supervision
and Compliance Section

c: NYSDEC
Scenic Development
Leonard Jackson Associates
Town of Ramapo

