



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

REPLY TO
ATTENTION OF

JAN 07 2013

Office of Counsel

SUBJECT: Freedom of Information Act Request No. FA-12-0040

Deborah Seidman Munitz
5 Rose Hill Road
Suffern, NY 10901

Dear Ms. Munitz:

This is in response to your Freedom of Information Act request regarding all ACOE documents confirming the delineated and flagged boundaries of all Federal Jurisdictional wetlands on the Patrick Farm site prepared in accordance with methodology provided in 1987 ACOE wetlands Delineation Manual and later editions. This is additional information to documents requested in FOIA FA-13-0035 requested on December 06, 2012.

Please be advised that no Jurisdictional Determination had been done.

A "no records" response is an "adverse determination" under 5 U.S.C. 552(a)(6)(A)(i) since the requester did not receive the documents it requested. Oglesby v. Department of the Army, 920 F2d 57, 67 (D.C. Cir. 1990). As a result, a requester wishing to challenge the adequacy of the search must have the opportunity to appeal a "no records" response to the head of the agency. In the present situation, the undersigned is the Initial Denial Authority for "no records" denial. You have the right to appeal this determination through our office to the Secretary of the Army.

An appeal must be received within 60 days of the date of this letter. The envelope containing the appeal should bear the notation "**Freedom of Information Act Appeal**" and should be sent to:

U.S. Army Engineer District, New York,
ATTN: Office of Counsel, Room 1837
26 Federal Plaza
New York, NY 10278

According to applicable regulations, there are no assessable fees.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine Lee".

Lorraine Lee
District Counsel
Initial Denial Authority
Freedom of Information Act Officer