CIVIL COVER SHEET The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the aling by local rules of court. This form, approved by the Jud and Conference of the United States in September the civil docket sheet. (SEE INSTRUCTIONS ON THE FORM.) w, except the rovided purpose of initiating

	U.S. DISTRICT COUPLIE					
I. (a) PLAINTIFFS	U.S. DISTRICT COURT E.D.N.Y		DEFENDANTS			
State of New York		1 1 .	United States Army Corps of Engineers			
	* MAY 3 1 2011 *		attachment)			
(b) County of Residence	e of First Listed Plaintiff Kings / Exception KAYNFOFFICE	Count	of Residence of	First Listed Defendant	Kings	
(D) County of Resident	EXCERCIONALE CHESTS A		0111001001100	(IN U.S. PLAINTIFF CASE	ES ONLY)	
`	PARTITION OFFICE]	NOTE: IN LAND	,	USE THE LOCATION OF THE	
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		İ		ROSS,	i	
(c) Attorney's (Firm Name, Address, and Telephone Number)			eys (If Known)	11000,	J.	
	Attorney General of the State of New	York		·	DOLL ALL NA	
(see attachment)					MULLAK IM	
II. BASIS OF JURIS	DICTION (Place an "X" in One Box Only)	III. CITIZEN	SHIP OF PE	RINCIPAL PARTIE	S(Place an "X" in One Box for Plaintiff	
		(For Diver	sity Cases Only)		and One Box for Defendant)	
☐ 1 U.S. Government Plaintiff	 3 Federal Question (U.S. Government Not a Party) 	Citizen of This	PT) State 🗇		PTF DEF Principal Place	
ramon	(O.S. Government Not a 1 acty)	Citizen of This	State D	of Business In		
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■ 2 U.S. Government Defendant Output Defendant	4 Diversity	Citizen of Anoth	her State 🗗		nd Principal Place	
2000	(Indicate Citizenship of Parties in Item III)					
		Citizen or Subje		3	06 06	
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☐ 110 Insurance ☐ 120 Marine	PERSONAL INJURY PERSONAL INJUI 310 Airplane 362 Personal Injury			☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal	☐ 400 State Reapportionment ☐ 410 Antitrust	
130 Miller Act	☐ 315 Airplane Product Med. Malpracti			28 USC 157	430 Banks and Banking	
☐ 140 Negotiable Instrument	Liability	- of Prope	rty 21 USC 881		☐ 450 Commerce	
☐ 150 Recovery of Overpayment	1			ROBBITY RICHTS		
& Enforcement of Judgmen 151 Medicare Act	tl Slander	nal ☐ 640 R.R. & T ☐ 650 Airline F		☐ 820 Copyrights ☐ 830 Patent	☐ 470 Racketeer Influenced and Corrupt Organizations	
D 152 Recovery of Defaulted	Liability Liability	☐ 660 Occupati		3 840 Trademark	☐ 480 Consumer Credit	
Student Loans	340 Marine PERSONAL PROPE				☐ 490 Cable/Sat TV	
(Excl. Veterans)	345 Marine Product 370 Other Fraud	☐ 690 Other			☐ 810 Selective Service	
153 Recovery of Overpayment of Veteran's Benefits		g 710 Fair Lab		SOM ALS (CORTEY) □ 861 HIA (1395ff)	☐ 850 Securities/Commodities/ Exchange	
160 Stockholders' Suits	☐ 350 Motor Vehicle ☐ 380 Other Personal ☐ 355 Motor Vehicle Property Damag	1		3 862 Black Lung (923)	☐ 875 Customer Challenge	
☐ 190 Other Contract	Product Liability			☐ 863 DIWC/DIWW (405(g)		
195 Contract Product Liability	•	' i		3 864 SSID Title XVI	890 Other Statutory Actions	
☐ 196 Franchise	Injury CIVILIRIGHTS PRISONER PETITIC	& Disclo		□ 865 RSI (405(g)) FEDERAL TAX SUITS	891 Agricultural Acts 892 Economic Stabilization Act	
1 210 Land Condemnation	☐ 441 Voting ☐ 510 Motions to Vac:			3 870 Taxes (U.S. Plaintiff	893 Environmental Matters	
☐ 220 Foreclosure	☐ 442 Employment Sentence	791 Empl. Re		or Defendant)	3 894 Energy Allocation Act	
230 Rent Lease & Ejectment	☐ 443 Housing/ Habeas Corpus;	Security	Act	フ 871 IRS—Third Party	☐ 895 Freedom of Information	
240 Torts to Land	Accommodations 530 General			26 USC 7609	Act	
 245 Tort Product Liability 290 All Other Real Property 	444 Welfare 535 Death Penalty 445 Amer. w/Disabilities - 540 Mandamus & O		RATION ation Application		 900Appeal of Fee Determination Under Equal Access 	
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	tate Court 3 Remanded from Appellate Court	4 Reinstated or Reopened	another	district Litigati	Magistrate	
	Cite the U.S. Civil Statute under which you	<u> </u>	(specify		Judgment	
	I National Environmental Policy A	Act of 1969, 42	U.S.C. 432	1 et. sea. ("NEPA")	(see attachment)	
VI. CAUSE OF ACTI	Brief description of cause:					
	Defendants failed to comply with	h NEPA and its	implementir	ng regulations		
VII. REQUESTED IN					lly if demanded in complaint:	
COMPLAINT:	UNDER F.R.C.P. 23			JURY DEMAN	D: ☐ Yes Ø No	
	TE/C)			•••		
VIII. RELATED CAS	(See instructions)					
IF ANY	JUDGE			_ DOCKET NUMBER		
DATE	SIGNATURE OF A	TTORNEY OF RECOI	Ф			
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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

STATE OF NEW YORK,

Plaintiff.

UNITED STATES ARMY CORPS OF ENGINEERS;
BRIGADIER GENERAL PETER A. DELUCA, in his official capacity as an officer of the United States Army Corps of Engineers; UNITED STATES FISH AND WILDLIFE SERVICE; ROWAN W. GOULD, in his official capacity as Acting Director of the United States Fish and Wildlife Service; UNITED STATES NATIONAL PARK SERVICE; JONATHAN B. JARVIS, in his official capacity as Director of the United States National Park Service; UNITED STATES DEPARTMENT OF the INTERIOR; KENNETH SALAZAR, in his official capacity as Secretary of the United States Department of the Interior; UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; and LISA JACKSON, in her official capacity as Administrator of the United States Environmental Protection Agency,

ATTACHMENT TO CIVIL COVER SHEET FORM JS 44

Defendants,

I.(c)

Eric T. Schneiderman Attorney General of the State of New York Attorney for Plaintiff State of New York

Philip Bein
Assistant Attorney General
New York State Attorney General's Office
Environmental Protection Bureau
The Capitol
Albany, New York 12224
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Fax: (518) 473-2534

E-mail: philip.bein@ag.ny.gov

Defendants

United States Army Corps of Engineers;

United States Army Corps of Engineers, Brigadier General Peter A. Deluca, Division Engineer, North Atlantic Division, in his official capacity;

United States Fish and Wildlife Service;

United States Fish and Wildlife Service, Rowan W. Gould, Acting Director, in his official capacity;

United States National Park Service;

United States National Park Service, Jonathan B. Jarvis, Director, in his official capacity;

United States Department of the Interior;

United States Department of the Interior, Kenneth Salazar, Secretary, in his official capacity;

United States Environmental Protection Agency; and

United States Environmental Protection Agency, Lisa Jackson, Administrator, in her official capacity.

VI. Cause of Action

National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq. ("NEPA")

Administrative Procedure Act, 5 U.S.C. §§ 551-706 ("APA")

Delaware River Basin Compact