

**TRADITIONAL NAVIGABLE WATERWAYS (TNWs) IN THE BUFFALO DISTRICT
APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers**

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 29, 2008.

B. BACKGROUND INFORMATION: As stated in Appendix D of the US Army Corps of Engineers (Corps) Jurisdictional Determination Form Instructional Guidebook: “when determining whether a water body qualifies as a “traditionally navigable water (TNW)” relevant considerations include whether a Corps District has determined that the water body is a navigable water of the United States pursuant to 33 C.F.R § 329.14, or the water body qualifies as a navigable water of the United States under any of the tests set forth in 33 C.F.R. § 329, or a federal court has determined that the water body is navigable-in-fact under federal law for any purpose, or the water body is “navigable-in-fact” under the standards that have been used by the federal courts. In addition, Appendix D affirms that EPA and the Corps will continue to assert jurisdiction over “[a]ll waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.” 33 C.F.R. § 328.3(a)(1); 40 C.F.R. § 230.3(s)(1).

The following provides the rationale and supporting documentation for TNW designation pursuant to Appendix D for the subject water body occurring within the Buffalo District’s regulatory boundaries in the states of New York and Ohio. Posting of this jurisdictional determination establishes Corps jurisdiction over this TNW under Section 404 of the Clean Water Act. The Buffalo District reserves the right to revise this determination at anytime as additional information warrants. The Buffalo District has determined that a site/project specific jurisdictional determination involving this TNW is not required as a TNW designation has already been completed. This and other approved jurisdictional determinations for TNWs are posted on the Buffalo District’s regulatory website at <http://www.lrb.usace.army.mil/regulatory/jd.htm>. In addition, the current list of TNWs, including extent of each designation, occurring within the geographic limits of the Buffalo District may also be found on the Buffalo District’s regulatory website at <http://www.lrb.usace.army.mil/regulatory/TNWny.pdf> and <http://www.lrb.usace.army.mil/regulatory/TNWoh.pdf>

C. TNW/LOCATION

TNW: **Honeoye Lake**

State: New York

County(ies): Ontario

Municipalities:

Honeoye, Richmond, Curtis Corner,
Willow Beach, Canadice

D. REVIEW PERFORMED FOR SITE EVALUATION:

- Office (Desk) Determination. Date: 07/29/08
 Field Determination. Date(s):

SUMMARY OF FINDINGS

CWA SECTION 404 DETERMINATION OF JURISDICTION.

The subject water body is a “*water of the U.S.*” under Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328).

- a. Limits (boundaries) of TNW designation:** This designation includes all areas below the ordinary high water mark of Honeoye Lake. This designation is limited to the areas within the lake proper and does not extend into any tributaries. The extent of the TNW described herein is depicted on the attached figure.
- b. Rationale supporting determination:** This determination is based on the review and compilation of published information, reports/studies, and field observations to characterize the historical, present and/or potential use of this water body for navigation, including consideration of its use or potential susceptibility to use in interstate and foreign commerce. During this process the following information was documented:

1. The physical characteristics, including its depth and size, indicate that the waterbody has the capacity to be navigated by watercraft.
 - i. Max depth: 30ft, 4.5 miles long, 0.8 miles wide, area: 1,772 acres. These characteristics facilitate the use of water craft on the lake.
2. The waterbody is **currently used** for activities involving navigation and interstate commerce, such as recreational commercial navigation.
 - i. The lake has several homes built along the entire shoreline; most of these homes have docks extending into the lake. Some are permanent residential homes and others are seasonal cottages that are rented. Several websites exist for Honeoye cottage rentals.
 - ii. There are two boat launches on the lake. A private launch called Trident Marine on the west shore and a public (state) boat launch site at the southeast end of the lake accessible from East Lake Road
 - iii. Sandy Bottom Beach is located at the Northwest end of the lake accessible from Sandy Bottom Road. This beach is available for swimming and as a boat launch for motor boats and non-motorized boats.
 - iv. New York State Department of Environmental Conservation (NYSDEC) has managed the walleye fishery for Honeoye Lake since the 1900’s; this lake also supports 7 other species of fish which make the lake a highly regarded fisheries resource for resident and non-resident fishing.
 - v. Honeoye Lake State Park is located at the South end of the lake; Harriet Hollister Spencer State Recreation Area is located only 6 miles south of Honeoye on Candice Hill Road.
 - vi. The Nature Conservancy and NYSDEC own a majority of the wetland area surrounding the lake inlet and outlet.

Conclusion: Collectively, the above discussed factors demonstrate that **Honeoye Lake** is navigable-in-fact, resulting in its designation as a TNW for purposes of CWA jurisdictional determinations and is **currently used** in interstate or foreign commerce associated with

commercial recreational navigation activities. This determination establishes Corps jurisdiction over this water body as a TNW under Section 404 of the Clean Water Act, pursuant to 33 C.F.R. Part 328.3(a)(1).

DATA SOURCES.

SUPPORTING DATA. Data reviewed for JD (check all that apply):

- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: USFWS Wetlands Online Mapper
(<http://wetlandsfws.er.usgs.gov/wtlnds/launch.html>)
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
or Other (Name & Date):
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):
DeLorme New York Atlas and Gazetteer
<http://www.dec.ny.gov/lands/25579.html>
<http://wetlandsfws.er.usgs.gov/wtlnds/launch.html> (wetlands map)
http://www.co.ontario.ny.us/planning/acrobat/projects/honeove_lk/honeove_lk_mng_plan.pdf (Honeoye Lake Watershed Management Plan)