

**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): June 19, 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: **Skaneateles Lake**

State: New York

County(ies): Onondaga, Cortland, Cayuga

Municipalities: Skaneateles, Spafford,
Scott, Sempronius, Niles

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office (Desk) Determination. Date: June 19, 2008

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:** All areas below the ordinary high water mark of Skaneateles Lake limited to the areas within the lake proper. Designation does not extend upstream/downstream into any tributaries that flow into, or out of, Skaneateles Lake. 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. Skaneateles Lake proper is 16 miles long and, on average, 0.75 mile wide, with a surface area of 13.6 square miles and a maximum depth of 315 feet. At the southern end of the lake is a large wetland bog that is approximately 1 mile long.
 2. The waterbody is currently used and was historically used for activities involving navigation and interstate commerce, such as recreational commercial navigation.
 - i. Skaneateles Lake is one of the Finger Lakes, located in Central NY. The lake provides abundant recreational opportunities for both landowners surrounding the lake and the public.
 - ii. In order to access the water, numerous boat launches are available including one operated by the NY Department of Environmental Conservation. This launch is located approximately 3 miles down the west side of the lake.
 - iii. The Skaneateles Country Club is located at the northern end of the lake and includes a boating center.
 - iv. Skaneateles Sailing Club is located on the east side of the lake as well.
 - v. A cruise ship runs throughout the summer, launching from the Town of Skaneateles, providing tours of the lake to the public.
 - vi. The lake is the site for several races throughout the year which include rowing and sailing regattas. For this reason, Skaneateles is the birth place of the two racing dinghies "Lightning" and "Comet."
 - vii. Aside from watercraft recreation, the lake is a popular destination for local and out of state anglers and birders alike.
 - viii. Historically, the lake has been used for navigation as well. The first documented account of the lake was found in Moravian Journals dating June, 1750. Large ships carried lumber that was harvested along the lake and supplying area residents. In April 1832, it is documented that the steamship "Independence" entered Skaneateles Lake for the timber

industry. It was also used to carry passengers for pleasure. (6/19/08, <http://www.digital-librarian.com/skaneateles.html#history>)

Conclusion: Collectively, the above discussed factors demonstrate that Skaneateles 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 and was historically used in interstate or foreign commerce associated with the transportation of goods and industry, including timber harvest. 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: Skaneateles quad 1:2400, Spafford quad 1:2400, Homer quad 1:2400, Sempronius quad 1:2400, Owasco quad 1:2400,
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- 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): http://en.wikipedia.org/wiki/Skaneateles_Lake
<http://www.digital-librarian.com/skaneateles.html#history>
First-hand knowledge of the area and recreational opportunities