

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): August 11, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: LRB-2017-00212 – Elsner, Michael

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New York County/parish/borough: Orleans County City: Kent
Center coordinates of site (lat/long in degree decimal format): Lat. 43.37494°N, Long. 78.14298°W
Universal Transverse Mercator: NAD 83

Name of nearest waterbody: Lake Ontario

Name of watershed or Hydrologic Unit Code (HUC): 04150200 – Great Lakes Region

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: August 11, 2017
- Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are no** “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): Design Plans and photographs submitted by McMahon LaRue Associates, P.C. dated February 17, 2017 and received on February 21, 2017

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Design plans and photographs received on February 21, 2017; revised design plans submitted August 10, 2017.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas:
- USGS NHD data. USACE ORM2 NHD Dataset
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; NY-Kent
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey
- National wetlands inventory map(s). Cite name: USACE ORM2 NWI Dataset
- State/Local wetland inventory map(s): New York State Department of Environmental Conservation (NYDEC) Environmental Resource Mapper
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth aerial imagery data: 1994, 2006, 2009, 2011, 2013, 2016
- or Other (Name & Date): Photographs submitted on February 21, 2017
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: Review of the USFWS NWI dataset, the NYDEC Environmental Resource Mapper, the USGS NHD dataset, and Google Earth aerial imagery did not reveal any aquatic resources, including wetlands, or hydrology signatures within the review area. The NRCS Web Soil Survey depicts Ovid silt loam, 3 to 8 percent slopes, with a zero percent hydric rating. Based on an in-office

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

resource review conducted on August 3, 2017, the review area includes residential, maintained lawn. The review area was determined to consist entirely of dry lands.