

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**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):** January 29, 2020

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Buffalo District, Fair Point Marina - Snowden Properties LLC, LRB-1999-02061

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** Fair Point Marina, 14990 West Bay Road. Review area includes 4 locations within the marina property proposed for dredge spoil placement, including three new locations (totalling 1.43 acres) and one prior USACE authorized disposal area.

State: New York      County/parish/borough: Cayuga      City: Town of Fair Haven  
Center coordinates of site (lat/long in degree decimal format): Lat. 43.344576 °, Long. -76.712901 °  
Universal Transverse Mercator: 18

Name of nearest waterbody: Lake Ontario

Name of watershed or Hydrologic Unit Code (HUC): 04140101 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: January 29, 2020  
 Field Determination. Date(s): [Click here to enter a date.](#)

**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):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Fair Point Marina  
 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: [Click here to enter text.](#)  
 U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)  
 USGS NHD data.  
 USGS 8 and 12 digit HUC maps.  
 U.S. Geological Survey map(s). Cite scale & quad name: Fair Haven 1:24,000  
 USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Websoil survey – Cayuga County  
 National wetlands inventory map(s). Cite name: viewed via NYSDEC environmental resource viewer  
 State/Local wetland inventory map(s): viewed via NYSDEC environmental resource viewer  
 FEMA/FIRM maps: [Click here to enter text.](#)  
 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodectic Vertical Datum of 1929)  
 Photographs:  Aerial (Name & Date): 10/4/19 from applicant, 4/21/94 - 7/15/15 google earth  
 or  Other (Name & Date): Photos from applicant dates 5/2/19, 6/8/19/10/3/19 & 1/27/20  
 Previous determination(s). File no. and date of response letter: 1999-02061 original disposal site was previously determined to suitable as an upland disposal area but no approved JD form was issued at that time. The marina has been in existence for numerous years with multiple permits issued for the facility. The original disposal area has received sediment from past authorized dredging activities and a portion now contains mobile homes.  
 Applicable/supporting case law: [Click here to enter text.](#)  
 Applicable/supporting scientific literature: [Click here to enter text.](#)  
 Other information (please specify): [Click here to enter text.](#)

<sup>1</sup> 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.



**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** Based on photos provided by applicant and a review of resources noted above, the new disposal areas are located within developed areas within the marina consisting of existing mowed lawn and parking/boat storage areas. There is no evidence/indicators of wetland vegetation or hydrology. Due to record high water levels on Lake Ontario for several years, exceeding ordinary high water levels by up to 2 feet, low lying upland areas in close proximity to the lake have been subject to unprecedented inundated/saturated.