



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 7/24/2020
 ORM Number: LRB – 2020-00658 (Williamson Airport)
 Associated JDs: N/A
 Review Area Location¹: State/Territory: NY City: 5502 Route 104, Village of Williamson
 County/Parish/Borough: Wayne
 Center Coordinates of Review Area: Latitude 43.23576°N Longitude -77.10589°W

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	1.06	acre(s)	(b)(1) Non-adjacent wetland.	<p>A site visit revealed that the wetland formed in a depression area and is confined by topography. Based upon a review of aerial photos, topographic maps, and on-site observations, no other potential waters of the U.S. persist within the immediate vicinity of Wetland A. Route 104 would not be considered an obstruction because the wetland is confined by topography and does not extend to the road. The entire perimeter was walked and no ditches, streams or other wetlands were identified. As measured on the Google Earth map for 04/15/1995, the nearest tributary is approximately 1,000 feet to the northeast north of Route 104, as depicted on the USGS Sodus, New York Quad. There is no indication that any a(1)-a(3) water inundates the wetland in a typical year (see ATP discussion below).</p> <p>Google Earth Aerial photos for 1995, 2009, 2011, 2014 and 2015 were examined. The snow-covered aerial for March 2014, reveals an ephemeral swale through the subject wetland, identified during the site visit on June 23, 2020. This feature does not exhibit an ordinary high water mark and there is no evidence to support that the feature would be a relocated stream. Upon close examination of other aerial photographs, especially 2009 when, according to the APT, wetter than normal conditions prevailed, it was apparent that the swale continued through a trailer park to the roadside ditch along Route 104. There is no evidence that would support this feature as an a(1)-a(3) water.</p> <p>Based on the information examined, the wetland does not abut an (a)(1) through (a)(3) water, nor is the wetland inundated by flooding by an (a)(1) through a(3) water, is not separated from an (a)(1) through (a)(3) water via a natural berm or barrier, and is not separated from an a(1) – a(3) water via an artificial structure/feature.</p>

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland B	0.33	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not abut an (a)(1) through (a)(3) water, nor is the wetland inundated by flooding by an (a)(1) through a(3) water, is not separated from an (a)(1) through (a)(3) water via a natural berm or barrier, and is not separated from an a(1) – a(3) water via an artificial structure/feature. The rationale is the same as described for Wetland A above.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: **Delineator: Lu Engineers**
This information is sufficient for purposes of this AJD.
Rationale: **The information provided is clear and detailed.**
- Data sheets prepared by the Corps: **Title(s) and/or date(s).**
- Photographs: **Aerial and Other: Google Earth for years 1995 through 2015 and submittal photos.**
- Corps site visit(s) conducted on: **June 23, 2020**
- Previous Jurisdictional Determinations (AJDs or PJDs): **ORM Number(s) and date(s).**
- Antecedent Precipitation Tool: ***provide detailed discussion in Section III.B.***
- USDA NRCS Soil Survey: **Web Soil Survey – accessed on January 26, 2020.**
- USFWS NWI maps: **Sodus, New York Quad, January 27, 2020.**
- USGS topographic maps: **ESRI – USACE Corps Maps from the ORM database**

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	ORM database to view the various available maps.
State/Local/Tribal Sources	N/A.
Other Sources	NYS Department of Environmental Conservation Fresh Water Wetland Map for the Sodus, New York Quad, accessed on January 27, 2020.

B. Typical year assessment(s): The APT pulls precipitation data from NOAA's Daily Global Historical Climatology Network. The APT evaluates normal precipitation conditions based on the three 30-day periods preceding the observation date. For each period, a weighted condition value is assigned by determining whether the 30-day precipitation total falls within, above, or below the 70th and 30th percentiles for totals from the same date range over the preceding 30 years. The APT then makes a determination of "normal," "wetter than normal," or "drier than normal" based on the condition value sum. The APT also displays results generated via the Palmer Drought Severity Index and the University of Delaware WebWIMP.



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An APT evaluation was run for Google Earth Aerial photos for 1995, 2009, 2011, 2014 and 2015. The APT evaluated 6-8 weather stations scoping by single point data. Although various APT conditions were identified, inundation of the wetland by the nearest tributary was not evident in any year examined.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
43.23576	-77.10589	4/15/1995	-1.59	Mild drought	Wet Season	9	Drier than Normal
43.23576	-77.10589	9/5/2009	3.36	Severe wetness	Dry Season	16	Wetter than Normal
43.23576	-77.10589	11/9/2011	2.95	Moderate wetness	Wet Season	15	Wetter than Normal
43.23576	-77.10589	3/30/2014	2.44	Moderate wetness	Wet Season	13	Normal Conditions
43.23576	-77.10589	7/15/2015	1.7	Mild wetness	Dry Season	17	Wetter than Normal

C. Additional comments to support AJD: On-site observations confirmed that both of the wetlands were land-locked by topography with no connection to downstream waters.

Google Earth for years 1995 through 2015 show no little or no change in the parcel configuration associated with the bordering active agriculture fields.

Soils identified on the parcel include: Elnora loamy fine sand, 0 to 2 percent slopes with a 0 hydric soil rating; Elnora loamy fine sand with 2 to 6 percent slopes and 0 hydric soil rating; Lamson very fine sandy loam with a 90 hydric rating; Minoa very fine sandy loam with a 10 hydric soil rating.

A forested wetland is mapped within the subject parcel. The delineation identified a wetland on the subject parcel, but with a different configuration than shown on the NWI. The USFWS Wetland Mapper indicates that the map is dated generally in the 2000s.