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): 8/3/2020
ORM Number: LRB-2019-00661 (NYPA Smart Path Project)
Associated JDs: N/A
Review Area Location[1]: State/Territory: NY City: Hermon County/Parish/Borough: St. Lawrence
Center Coordinates of Review Area: Latitude 44.453171 Longitude -75.204355

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.	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.	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.	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.	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.	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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
RMA-13	PFO 0.5	acre(s)	(b)(1) Non-adjacent wetland.	Wetland RMA-13 is a 0.5-acre forested wetland identified in an area with soils mapped having a hydric soil rating of 2 and 3. The topographic map indicates the area as relatively flat. An overhead powerline within a maintained right-of-way is to the west of the parcel. RMA-13 is not a mapped feature on the NWI map; however, was identified during the wetland delineation procedure. None of the aerial photos show the presence of water along either side of the road. This holds true for three normal years and one drier than normal year, according to the APT data. The roadside is a sloped extension of the mowed "shoulder" that is fully vegetated and does not show evidence of mowing or other regular maintenance. Photographs and on-site observations by the delineator suggest no evidence that the wetland is inundated by the nearest tributary that is approximately 1500 feet east of the site. Further, the APT data can be extrapolated to suggest that the tributary would not inundate the wetland based on the distance and topography related to RMA-13. Based on the above evaluation, the conclusion is that Wetland RMA-13 does not abut an a(1)-a(3) water.

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 - EDR; Applicant: New York Power Authority

This information is sufficient for purposes of this AJD.
Rationale: N/A

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).

[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.

☒ Photographs: Aerial and Other: Google Earth Aerials for 1995, 2006, 2015. Other photos submitted with delineation dated October 2019.
☐ Corps site visit(s) conducted on: Date(s).
☐ 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 July 16, 2020
☒ USFWS NWI maps: Canton, New York Quad; General Date given on the source details is 1980's
☒ USGS topographic maps: Canton, New York Quad – accessed in the ORM database July 16, 2020

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
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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.

The attached table summarizes the APT results for each Google Earth aerial photograph reviewed for the years 1995, 2006, 2015, 2019. None of the photographs depicted any evidence of either standing or flowing water along the roadside. The APT referenced 32 individual weather stations with the results that normal conditions prevailed for 1995, 2006, and 2019; with drier than normal conditions indicated for 2015. The typical year assessment needed for this Approved Jurisdictional Determination is to assess whether the nearest tributary that is approximately 1500 feet southeast along Degrasse Depegder Road would inundate the RM-13 wetland in a typical year. The tributary is clearly depicted on several maps; the USFWS NWI map dated generally in the 1980's, USGS Web Soil Survey on July 16, 2020 and on the ORM database. These resources, as well as on-site observations by the delineator, suggest that there is no indication of RM-13 by the nearest tributary. Further, the APT datum can be extrapolated to support the finding that the downstream tributary does not provide inundation to the wetland.

Latitude	Longitude	Date	PDSI	PDSI Class Value	Season	ARC Score	Antecedent Precip Condition
44.453171	-75.204355	10/30/2019	1.54	Mild wetness	Wet Season	12	Normal Conditions
44.453171	-75.204355	5/5/2015	-2.56	Moderate drought	Wet Season	6	Drier than Normal
44.453171	-75.204355	5/6/1995	-2.04	Moderate drought	Wet Season	10	Normal Conditions
44.453171	-75.204355	11/24/2006	2.06	Moderate wetness	Wet Season	14	Normal Conditions

C. Additional comments to support AJD:

According to the on-line Web Soil Survey, the project site and surrounding adjacent areas are comprised of Kalurah fine sandy loam, 3 to 8 percent slopes with a hydric soil rating of 2, Kalurah and Pyrities soils, 0 to 8 percent slopes, very stony with a hydric soil rating of 2, and Malone loam, 3 to 8 percent slopes with a hydric soil rating of 3. Neither the NWI nor the NYS DEC Freshwater Maps suggest wetland indicators in this area; nor do any of the referenced aerial photos.