



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): August 6, 2020

ORM Number: LRB-2020-00853 (Legnetto, Maggie)

Associated JDs: N/A

Review Area Location¹:

State/Territory: NY Town: Cicero County: Onondaga County

Center Coordinates of Review Area: Latitude 43.17943 Longitude -76.000621

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
2020-00853 Oneida Lake	95 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	Oneida Lake is on the LRB Section 10 waters list. The ordinary high water location was based on destruction of terrestrial vegetation. Lot 2 including the shoreline did not contain any aquatic vegetation based on a July 7, 2020 site visit by USACE and therefore would not be considered wetland in accordance with the 1987 Wetland Delineation Manual and the NC/NE Regional Supplement.

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
2020-00853 Oneida Lake	95 feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide	Oneida Lake is on the LRB Section 10 waters list. The ordinary high water location was based on destruction of terrestrial vegetation. Lot 2 including the shoreline did not contain any aquatic vegetation based on a July 7, 2020 site visit by USACE and therefore would not be considered wetland in accordance with the 1987 Wetland Delineation Manual and the NC/NE Regional Supplement.

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 independent 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.

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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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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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: *Melfi Subdivision – Final Plans & Proposed Plan only – Proposed Lot 2 dated June 11, 2020, revised July 1, 2020.*

This information is *not* sufficient for purposes of this AJD.

Rationale: *The Melfi Subdivision plan includes the Onondaga County GIS layer of the USFWS NWI wetlands. The federal wetland mapping was not based on a review of current on-site conditions.*

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

Photographs: *Applicant site photos dated June 30, 2020, July 7, 2020 USACE site visit photos, Aerials: 2003 NYSGIS, Google Earth March 31, 2006, April 13, 2017*

Corps Site visit(s) conducted on: *July 7, 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 August 5, 2020*

USFWS NWI maps: *Title(s) and/or date(s).*

USGS topographic maps: *Title(s) and/or date(s).*

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.

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USACE Sources	USFWS NWI via ORM
USACE Sources	USGS Cicero Quad Map via ORM
USACE Sources	NAVIGABLE WATERWAYS IN BUFFALO DISTRICT WHERE DEPARTMENT OF THE ARMY PERMITS ARE REQUIRED, STATE OF NEW YORK dated 1/7/1999.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.
- C. Additional comments to support AJD:** *Survey map included location of state wetland boundary on Lot 1 as flagged by NYS Department of Environmental Conservation (NYSDEC) on June 11, 2020. It does not extend onto Lot 2, the subject parcel. However, the 100 ft. buffer of the state wetland does extend into Lot 2, the subject parcel. The 2003 & 2006 aeriels indicated presence of a small pond/wet feature (<0.1 acre) in the center of the site surrounded by planted evergreen trees extending from road to the lake. More recent aeriels all occur during leaf out so the ground could not be viewed. Soil survey indicates an area of hydric soil (Palms muck) along the roadway with remainder of the site mapped with only a hydric rating of 5. The current property owner was informed by an adjacent property owner that the pond area had been filled about 10-15 years ago by the prior owner. USACE site visit confirmed no evidence of the wet feature or any wetland vegetation within Lot 2. The bank to the lake is well vegetated to the water line and appears to have been stabilized with small rock/cobble in the past.*

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