



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): 30-SEP-2020

ORM Number: LRB-2019-00029

Associated JDs: PJD 2019 for Pond 14 – 2019-00029; adjacent property 1999-01386 19 NOV1999; 10 APR 2000;06 FEB 2002

Review Area Location¹:

State/Territory: NY City: Akron County/Parish/Borough: Erie County

Center Coordinates of Review Area: Latitude 43.011513 Longitude -78.528846

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

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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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N/A	N/A	N/A	N/A
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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
2019-00029 - Pond 1	0.069 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Between the years 1999 and 2006, a golf course called "Bright Meadows Golf Course" was constructed and expanded on the parcel. It is currently called Arrowhead. The pond identified as "Pond 1" on the delineation was part of an expansion to make this it an 18-hole course, was dug in an upland area as an apparent "water hazard" or some other water feature for the golf course. There are no indications of naturally occurring wetlands in this area on topographic maps, soils maps, or aerial photographs or wetland delineations in the historical file.
2019-00029 - Pond 10	0.057 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This pond – Pond 10 - was part of a golf course expansion for Bright Meadows Golf Course that occurred Circa 2002. It is currently called Arrowhead. According to historical delineations in the file, the area in which this pond is located was not identified as wetland at the time of the expansion and was dug in upland as an artificial feature for the golf course.
2019-00029 - Pond 11	0.053 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This pond – Pond 11 was part of a golf course expansion for Bright Meadows Golf Course that occurred Circa 2002. According to historical delineations in the file, the area in which this pond is located was not identified as wetland at the time of the expansion and was dug in upland as an artificial feature for the golf course.
2019-00029 - Pond 12	0.083 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This pond – Pond 12 was part of a golf course expansion for Bright Meadows Golf Course that occurred Circa 2002. It is currently called Arrowhead. According to historical delineations in the file, the area in which this pond is located was not identified as wetland at the time of the expansion and was dug in upland as an artificial feature for the golf course.
2019-00029 - Pond 13	0.378 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This pond – Pond 13 was part of a golf course expansion for Bright Meadows Golf Course that occurred Circa 2002. According to historical delineations in the file, the area in which this pond is located was not identified as wetland at the time of the expansion and was dug in upland as an artificial feature for the golf course.
2019-00029 - Pond 3	0.057 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Between the years 1999 and 2006, a golf course called "Bright Meadows Golf Course" was constructed and expanded on the parcel. It is currently called Arrowhead. The pond identified as "Pond 3" on the delineation was part of an expansion to make it an 18-hole course, was dug in an upland area as an apparent "water hazard" or some other water feature for the golf

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			course. There are no indications of naturally occurring wetlands in this area on topographic maps, soils maps, or aerial photographs or wetland delineations in the historical file.
2019-00029 - Pond 4	0.441 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This pond – Pond 4- was part of a 9-hole golf course called Bright Meadows Golf Course constructed in 1999. It is currently called Arrowhead. According to historical delineations in the file, the area in which this pond is located was not identified as wetland at the time of the expansion and was dug in upland as an artificial feature for the golf course.
2019-00029 - Pond 5	0.343 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This pond – Pond 5 - was part of an expansion to a 9-hole golf course called Bright Meadows Golf Course constructed in 1999. It is currently called Arrowhead. According to historical delineations in the file, the area in which this pond is located was not identified as wetland at the time of the construction and was dug in upland as an artificial feature for the golf course.
2019-00029 - Pond 6	0.188 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This pond – Pond 6 - was part of an expansion of a 9-hole golf course called Bright Meadows Golf Course constructed in 1999. It is currently called Arrowhead. According to historical delineations in the file, the area in which this pond is located was not identified as wetland at the time of the construction and was dug in upland as an artificial feature for the golf course.
2019-00029 - Wetland 2	0.125 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	This wetland occurs immediately adjacent to Pond 1 (a non-jurisdictional water). It has no connection to any other body of water, is not abutting any other body of water, nor is it adjacent to any other body of water subject to federal jurisdictional or not. It appears to have formed in an artificially created low-lying area. Historical photographs and topographic maps have no indication of waters, low areas, or other wetland signatures in the area. Wetland 2 is approximately 17,400 linear feet away from an a(1)-a(3) water and is not inundated by the a(1)-a(3) water in a typical year nor is it in the flood plain of that water.
2019-00029 - Wetland 7	0.254 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	The area identified as “Wetland 7” was initially created as a pond as part of an expansion of a 9-hole golf course called Bright Meadows Golf Course constructed in 1999. It is currently called Arrowhead. According to historical delineations in the file, the area in which Wetland 7 is located was not identified as wetland at the time of the construction and was dug in upland as an artificial feature for the golf course. Over time since the golf course was abandoned and maintenance to the pond ceased, this pond began to fill in allowing for fringe wetland to grow and expand. It has no connection to any other body of water, is not abutting any other body of water, nor is it adjacent to any other body of water subject to federal jurisdictional or not. Wetland 7 is approximately 1,1500 linear feet away from an a(1)-a(3) water and is not inundated by the

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			a(1)-a(3) water in a typical year nor is it in the flood plain of that water..
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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: *Title(s) and date(s)*.
- This information (*is/is not/is and is not*) sufficient for purposes of this AJD.
Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency)*.
- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: (*NA, aerial, other, aerial and other*) *Title(s) and/or date(s)*. *aerial photographs from Google Earth Pro from 1995, 2006, and 2016*
- Corps Site visit(s) conducted on: *Date(s)*. *14 MAY 2019*
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*. *1999-01386 (1999, 2001 2002)*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Title(s) and/or date(s)*. *Web Soil Survey – on line tool used on September 22, 2020*
- USFWS NWI maps: *Title(s) and/or date(s)*. *Wetland mapper on-line*
- USGS topographic maps: *Title(s) and/or date(s)*. *Wolcottsville Quadrangle*

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	N/A.
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. N/A 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 APT results regarding aerial photographs indicate that the data sources used to support the conclusions in the AJD are considered to have occurred under normal conditions (Google Earth Pro aerial photographs from 1995 and 2016).

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- C. **Additional comments to support AJD:** The applicant requested a PJD for Pond 14 on the property in 2019 for a specific project that would impact only that wetland. The applicant did not want any formal documentation. He just wanted the permit in order to construct additional infrastructure for a “Wedding Venue”. Pond 14 is presumed to have been filled during the construction of the Wedding Venue and is also presumed to no longer exist. The soil survey for the entire parcel shows that, with the exception of Wetlands 8 and 9, the soils across the site are non-hydric. The aerial photographs show the sequence for the installation of the golf course ponds on the site. Previous delineations from 1999 through 2002 were for the parcel adjacent to the east and indicated the closest jurisdictional water and wetlands were located on the northern portion of the parcel around the tributary to Murder Creek (the a(1)-a(3) water) .

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