



**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): 9/4/2020

ORM Number: LRB-2019-01421 (SRC, Inc.)

Associated JDs: N/A

Review Area Location¹: State/Territory: New York City: Cicero County/Parish/Borough: Onondaga

Center Coordinates of Review Area: Latitude 43.132068°N Longitude -76.087228°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 B	PEM 0.54	acre(s)	(b)(1) Non-adjacent wetland.	<p>The eastern portion of Wetland B is located approximately 15 feet from off-site delineated Wetland A. There is no hydrologic connection between the two wetlands, as was confirmed during a site inspection on 7/7/2020 by the USACE. According to the NHD data, the nearest known stream is located over 1,000 feet from the wetland. There are no obvious man-made berms or other obstructions between the wetland and the creeks. While the NWI map does show a forested wetland adjacent to the study area, it has since been developed and no longer exists (no record of permits).</p> <p>While Wetland A (off-site) could extend further to the north and east, the proximity of Wetland A to the nearest stream would not be relevant since Wetland B is hydrologically isolated from Wetland A. On-site observations reveal that Wetland B is land-locked and defined by topography. In addition, the site had been previously delineated, and no wetlands were found (this was not verified by the USACE), and since that time, some clearing and minor grading had been conducted, likely creating this depressional wetland. The entire perimeter was walked and no connection to any swales, ditches, streams or other wetlands were identified. There is no indication that any a(1)-a(3) water inundates the wetland in a typical year.</p> <p>This wetland is mapped Niagara silt loam with a hydric indicator of 7, and Galen very fine sandy loam, with a hydric soil indicator of 0.</p> <p>Based on the above information, 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</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
			barrier, and is not separated from an a(1) – a(3) water via an artificial structure/feature.

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: [Delta Engineers – June 5, 2020 submitted with the JD request. Delineation conducted on May 7, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Delineation Photos taken on May 7, 2020, Google Earth Pro photos dated October 10, 2019, April 13, 2017, and April 1, 2003.](#)

Corps site visit(s) conducted on: [7/7/20](#)

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: [On-Line web soil survey; referenced on 12/09/19.](#)

USFWS NWI maps: [ORM Resource Referenced on October 10, 2019.](#)

USGS topographic maps: [Cicero, New York Quad.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Maps and information available in the ORM database
State/Local/Tribal Sources	NYSDEC Environmental Resource Mapper
Other Sources	FEMA mapping

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.

Evaluation of aerial photographs, the delineation report and results from the APT model indicate that no signs of inundation of the wetland from a tributary occurred. Two of the years evaluated had wetter than normal conditions, and there was still no inundation visible. As noted above, the nearest tributary is over 1,000 feet from the delineated wetland. In addition, there is not continuous wetland from the delineated wetland to the nearest stream.



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Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip	Condition
43.132068	-76.087228	5/7/2020	2.62	Moderate wetness	Wet Season	11		Normal Conditions
43.132068	-76.087228	10/10/2019	3.75	Severe wetness	Wet Season	15		Wetter than Normal
43.132068	-76.087228	4/13/2017	2.66	Moderate wetness	Wet Season	18		Wetter than Normal
43.132068	-76.087228	4/1/2003	0.13	Normal	Wet Season	13		Normal Conditions

C. Additional comments to support AJD:

The site visit confirmed the conditions and wetland boundaries described in the delineation report and support documents/maps. Wetland B is located at least 15 feet from the off-site Wetland A, and there were no streams near or connecting the two wetlands. Soil types had a 0-7 hydric soil rating. The USFWS Wetlands Mapper data source dates the map generally in the 1980's. The NWI does show a wetland mapped as forested, in the vicinity of off-site Wetland A, however, the site has since been developed (at least since 2003). The site is not located within or near the FEMA mapped floodplain. The NYSDEC Environmental Resource Mapper identifies a state mapped wetland to the northeast of Wetland B, but much of this area has been previously developed and filled.