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): 10/14/2020
ORM Number: LRB-2020-01190
Associated JDs: N/A
Review Area Location[1]: State/Territory: NY City: Groton County/Parish/Borough: Tompkins
Center Coordinates of Review Area: Latitude 42.599611 N Longitude -76.324815 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.	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
Wetland A	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	For the purposes of this determination, the limits of Wetland A are defined by the area of impact which is approximately 0.09-acres. The wetland was

[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.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				delineated in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and Regional Supplement. Wetland A is part of a larger wetland complex located off-site to the east/southeast and bisected by Salt Road (running north/south), an artificial barrier. Salt Road defines the eastern boundary of the subject property. A culvert located under Salt Road allows a direct hydrologic surface connection between the wetland on both sides in a typical year. The off-site portion of the wetland is clearly identified on aerial imagery and directly abuts an unnamed tributary, (a)(2) water, offsite to the southeast. This offsite tributary was confirmed to be an (a)(2) water, exhibiting at a minimum, intermittent flow, based on aerial imagery and an APT assessment (see below).

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.	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: Title(s) and date(s)
This information Select. sufficient for purposes of this AJD.
Rationale: N/A or describe rationale for insufficiency (including partial insufficiency).

☒ Data sheets prepared by the Corps: 1-W 9/15/2020

☒ Photographs: Aerial: Google Earth Pro: 9/24/2016, 5/5/2013, 4/30/2007, 3/28/2006 and 3/27/1997

☒ Corps site visit(s) conducted on: 9/15/2020

☐ 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: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx accessed 10/7/2020

☒ USFWS NWI maps: USFWS NWI Web Mapper https://www.fws.gov/wetlands/Data/Mapper.html accessed 10/7/2020

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

Other data sources used to aid in this determination:

[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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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	USACE ORM Federal USGS 24K Quad Layer Accessed 10/7/2020
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 (PDSI) and the University of Delaware WebWIMP.

An APT evaluation was run, associated with Google Earth Aerial photos for 1997, 2006, 2007, 2013 and 2016, as well as the dates of inspection, 9/15/2020. The aerial photos refrenced were selected due to the ability to clearly see the unnamed tributary which was otherwise blurred by poor resolution. The evaluation was run for weather stations in the vicinity of the site. Results indicate Wet Season and Normal Conditions for each date reviewed with the exception of the day of inspection which had a Drier than Normal APC. It should be noted that the PDSI Class results included a wide range of conditions from Extreme wetness in 2007 to Severe drought in 2016. During each of these dates, water was observed either in person or via aerial photos, within the unnamed tributary. Most telling is the evidence of water during the Severe drought in 2016 and Incipient drought in 2013.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
42.599611	-76.324815	9/15/2020	0.66	Incipient wetness	Wet Season	6	Drier than Normal
42.599611	-76.324815	9/24/2016	-3.05	Severe drought	Wet Season	11	Normal Conditions
42.599611	-76.324815	5/5/2013	-0.68	Incipient drought	Wet Season	10	Normal Conditions
42.599611	-76.324815	4/30/2007	4.39	Extreme wetness	Wet Season	12	Normal Conditions
42.599611	-76.324815	3/28/2006	1.84	Mild wetness	Wet Season	13	Normal Conditions
42.599611	-76.324815	3/27/1997	3.38	Severe wetness	Wet Season	12	Normal Conditions

C. Additional comments to support AJD: Observations made in both the field and via aerial imagery depict water within the off-site, unnamed tributary during normal conditions under a wide range of PDSI class (extreme wetness to severe drought). This evidence supports the findings that the unnamed tributary is an (a)(2) water in a typical year. As a result, the subject wetland, which is part of a larger wetland complex separated by an artificial barrier (Salt Road), with a culvert under the road allowing a direct hydrologic surface connection in a typical year, has been determined to be an (a)(4) water, directly abutting an off-site (a)(2) unnamed tributary.