



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): 09-NOV-2020  
ORM Number: LRB-2020-00814 (West Seneca, Town of North America Park)  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>:  
State/Territory: NY City: West Seneca County: Erie County  
Center Coordinates of Review Area: Latitude 42.84332 Longitude -78.71664

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
Stream 1	1350 linear feet	a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	

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):

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<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 12	1.58 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 12, 1.58 acres, is a PSS located in the Northwest area of the delineated parcel. The wetland continues offsite and directly abuts Seneca Creek, an A(2) waters.

**D. Excluded Waters or Features**

Excluded waters (b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 1	0.1 acres	(b)(1) Non-adjacent wetland	In the delineation report, it states Wetland 1 is a scrub/shrub pocket in the Southeast corner of the site. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydroptic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 1. This was confirmed during the site visit. Wetland 1 is more than 250 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the East. No A(1)-A(3) waters were identified directly abutting Wetland 1 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 1 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 1 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.
Stream 2	198 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	During the site visit, it was observed Stream 2 wasn’t a stream as it had no defined bed or banks. The feature resembled more of a deer path than a stream, swale or pool. There was no water within the feature and the soils were not saturated. Although a review of aerial imagery and in-house resources, NRCS/USDA Web Soil Survey, USFWS Wetland Mapper and NYSDEC Environmental Resource Mapper, appear to indicate a drainage feature, field observations didn’t confirm this as mentioned above it is a deer path. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”.
Wetland 10	0.66 acres	(b)(1) Non-adjacent wetland	In the delineation report, it states Wetland 10 is a

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			<p>scrub/shrub pocket on the Western portion of the delineated parcel. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydroptic vegetation. A review of aerial imagery and other in-house resources showed a drainage pattern going from Wetland 10 to the property line, identified as Stream 2 in the delineation report. However, field observations indicated the drainage pattern to be a deer path with no bed, banks or ordinary high water mark found. In addition, no other drainage patterns or streams were observed within the vicinity of Wetland 10. Wetland 10 is more than 725 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the North, offsite of the delineated parcel. No A(1)-A(3) waters were identified directly abutting Wetland 10 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 10 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 10 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.</p>
Wetland 11	1.11 acres	(b)(1) Non-adjacent wetland	<p>In the delineation report, it states Wetland 11 is a scrub/shrub pocket towards the West property line. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydroptic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 11. This was confirmed during the site visit. Wetland 11 is more than 625 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the North, offsite of the delineated parcel. No A(1)-A(3) waters were identified directly abutting Wetland 11 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 11 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood</p>

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			Frequency Class" rating is "none" which means, "...flooding is not probable. The chance of flooding is nearly 0 percent in any year". All resources reviewed support the determination that Wetland 11 doesn't directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.
Wetland 13	0.75 acres	(b)(1) Non-adjacent wetland	In the delineation report, it states Wetland 13 is a scrub/shrub pocket in the center of the site. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydrophitic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 13. This was confirmed during the site visit. Wetland 13 is more than 375 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the North, offsite of the delineated parcel. No A(1)-A(3) waters were identified directly abutting Wetland 13 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 13 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey "Flood Frequency Class" rating is "none" which means, "...flooding is not probable. The chance of flooding is nearly 0 percent in any year". All resources reviewed support the determination that Wetland 13 doesn't directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.
Wetland 14	0.27 acres	(b)(1) Non-adjacent wetland	In the delineation report, it states Wetland 14 is a scrub/shrub pocket in the center of the site. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydrophitic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 14. This was confirmed during the site visit. Wetland 14 is more than 675 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the North, offsite of the delineated parcel. No A(1)-A(3) waters were identified directly abutting Wetland 14 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland

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			14 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 14 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.
Wetland 16	6.01 acres	(b)(1) Non-adjacent wetland	In the delineation report, it states Wetland 16 is a scrub-shrub pocket towards the West of the delineated parcel adjacent to an actively maintained utility corridor and the access road to the cell tower. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydroptic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 16. No cross culverts were located along the access road during the site visit. No drainage patterns or connections were observed during the site between Wetland 16 and Wetlands 3, 9, 7 or 10. Wetland 16 is more than 2100 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the East. No A(1)-A(3) waters were identified directly abutting Wetland 16 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 16 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 16 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.
Wetland 15	1.4 acres	(b)(1) Non-adjacent wetland	In the delineation report, it states Wetland 15 is a scrub/shrub pocket in the North portion of the site adjacent to the access road to the cell tower. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydroptic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 15. This was confirmed during the site visit. Wetland 15 is more than 250 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the North, offsite of the delineated parcel. No A(1)-A(3)

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			<p>waters were identified directly abutting Wetland 15 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 15 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 15 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.</p>
Wetland 2	0.14 acres	(b)(1) Non-adjacent wetland	<p>In the delineation report, it states Wetland 2 is a scrub/shrub pocket in the Southeast corner of the site. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydroptic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 2. This was confirmed during the site visit. Wetland 2 is more than 250 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the East. No A(1)-A(3) waters were identified directly abutting Wetland 2 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 2 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 2 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.</p>
Wetland 3	2.68 acres	(b)(1) Non-adjacent wetland	<p>In the delineation report, it states Wetland 3 is a emergent pocket in the center of the site within an actively maintained utility corridor. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydroptic vegetation. A review of aerial imagery and other in-</p>

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			house resources show no drainage patterns coming or going from wetland 3. This was confirmed during the site visit. Wetland 3 is more than 550 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the East. No A(1)-A(3) waters were identified directly abutting Wetland 3 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 3 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 3 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.
Wetland 4	0.01 acres	(b)(1) Non-adjacent wetland	In the delineation report, it states Wetland 4 is a scrub shrub pocket in the South area of the delineated site. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydrophitic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 4. This was confirmed during the site visit. Wetland 4 is more than 550 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the East. No A(1)-A(3) waters were identified directly abutting Wetland 4 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 4 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 4 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.
Wetland 5	0.05 acres	(b)(1) Non-adjacent wetland	In the delineation report, it states Wetland 5 is an emergent pocket in the South area of the delineated site. The soils are mapped potentially hydric.

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<sup>4</sup> 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.

<sup>5</sup> 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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			<p>Vegetation found within this wetland is a mix of non-hydric and hydroptic vegetation. During the site visit, it was observed the area around Wetland 5 has been disturbed by old fills. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 5. This was confirmed during the site visit. Wetland 5 is more than 1000 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the East. No A(1)-A(3) waters were identified directly abutting Wetland 5 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 5 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 5 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.</p>
Wetland 6	0.11 acres	(b)(1) Non-adjacent wetland	<p>In the delineation report, it states Wetland 6 is an emergent pocket in the South area of the delineated site. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydroptic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 6. This was confirmed during the site visit. Wetland 6 is more than 1100 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the East. No A(1)-A(3) waters were identified directly abutting Wetland 6 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 6 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 6 doesn’t directly abut an A(1)-A(3) waters, is not separated from</p>

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<sup>4</sup> 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.

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			an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.
Wetland 7	2.94 acres	(b)(1) Non-adjacent wetland	In the delineation report, it states Wetland 7 is an emergent pocket towards the West side of the delineated parcel within an actively maintained utility corridor. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydroptic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 7. Wetland 7 directly abuts the cell phone tower access road. No cross culverts were located along the access road during the site visit. No drainage patterns or connections were observed during the site between Wetland 7 and Wetland 3, 9 or 16. Wetland 7 is more than 2100 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the East. No A(1)-A(3) waters were identified directly abutting Wetland 7 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 7 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 7 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.
Wetland 8	0.32 acres	(b)(1) Non-adjacent wetland	In the delineation report, it states Wetland 8 is an emergent pocket in the South area of the delineated site. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydroptic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 8. This was confirmed during the site visit. Wetland 8 is more than 1150 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the East. No A(1)-A(3) waters were identified directly abutting Wetland 8 during the site visit or an in-house review of aerial imagery, topo maps, the NYSDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland

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			8 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 8 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.
Wetland 9	2.68 acres	(b)(1) Non-adjacent wetland	In the delineation report, it states Wetland 9 is a scrub/shrub pocket on the West side of the delineated parcel. The soils are mapped potentially hydric. Vegetation found within this wetland is a mix of non-hydric and hydrophytic vegetation. A review of aerial imagery and other in-house resources show no drainage patterns coming or going from wetland 9. This was confirmed during the site visit. Wetland 9 directly abuts the cell phone tower access road. No cross culverts were located along the access road during the site visit. No drainage patterns or connections were observed during the site visit between Wetland 9 and Wetland 7 or 16. Wetland 9 is more than 2800 linear feet from an A(2) waters, Unnamed Tributary to Buffalo Creek to the East. No A(1)-A(3) waters were identified directly abutting Wetland 9 during the site visit or an in-house review of aerial imagery, topo maps, the NYSEDEC environmental resource or USFWS Wetland mapper. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to A (1) – A(3) waters. No natural or artificial barriers between Wetland 9 and A(1) – A(3) waters were found during the site visit. The wetland is not inundated by an A(1) – A(3) waters. Also, the NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means, “...flooding is not probable. The chance of flooding is nearly 0 percent in any year”. All resources reviewed support the determination that Wetland 9 doesn’t directly abut an A(1)-A(3) waters, is not separated from an A(1)-A(3) waters by a natural or man-made feature and is not adjacent to an A(1)-A(3) waters.

**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.

X  Information submitted by, or on behalf of, the applicant/consultant: North America Park dated October 2019 submitted by EDI and received June 2020.  
This information is sufficient for purposes of this AJD.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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Rationale: N/A

- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: Bing/Google Maps, Google Earth, Eagleview Connect
- Corps Site visit(s) conducted on: July 14, 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: USDA/NRCS Web Soil Survey accessed November 5, 2020
- USFWS NWI maps: USFWS Wetland Mapper accessed November 5, 2020
- USGS topographic maps: USGS Orchard Park Quad

**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	NYSDEC Environmental Resource Mapper accessed November 4, 2020
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.

An APT evaluation was run, associated with Google Earth Aerial photos for 1995, 2002, 2006, 2011 and 2018. The evaluation was run for the HUC 12 watershed, since there were no weather stations in the immediate vicinity of the site. The APT analysis shows that aerial imagery was taken during various conditions, including wet and dry seasons. As indicated, none of the aerials show potential evidence of inundation or unidentified a(2) or a(3) waters which could affect the jurisdictional calls for the waters determined to be excluded.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
42.84332	-78.7166	3/1/1995	-1.26	Mild drought	Wet Season	14	Normal Conditions
42.84332	-78.7166	4/1/2002	0.77	Incipient wetness	Wet Season	18	Wetter than Normal

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42.84332	-78.7166	11/1/2006	3.91	Severe wetness	Wet Season	18	Wetter than Normal
42.84332	-78.7166	10/1/2011	3.41	Severe wetness	Wet Season	14	Normal Conditions
42.84332	-78.7166	9/1/2018	0.78	Incipient wetness	Wet Season	10	Normal Conditions

**C. Additional comments to support AJD: N/A**

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