



**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): 11/25/2020

ORM Number: LRB-2020-01162

Associated JDs: NA

Review Area Location¹: State/Territory: NY City: Town of Clay County/Parish/Borough: Onondaga

Center Coordinates of Review Area: Latitude 43.124181° Longitude -76.176846°

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: The study area in question is the back yard to 4318 Lazybrook Circle in Liverpool, NY, where the owner proposes to place a pool. The area is primarily an upland mowed area, between the house and an existing basketball court. Since the area was obvious upland, previously graded for the housing development, no site visit was performed. The study area is limited to the area noted on the drawings for the pool and backfill. While the survey drawing does indicate a wetland boundary, it does not appear to be accurate. This was also substantiated for a similar site nearby under DA Processing No. 2012-01145, where it was noted that the map depicting the drainage easement and wetland were part of the overall subdivision plan put together by the Town of Clay in 1994. There is no record as to how or by whom the wetland boundary was determined. According to the deed for the subject parcel, the mapped wetland boundary is located in the northern portion of the property, in the backyard. The existing basketball court and mowed lawn is partially within this area, and based upon aerial photos has been existing since at least 2003.
- 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.

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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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	
N/A.	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.	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: [survey map for Lot 9, provided by the applicant, with the proposed pool and grading limits.](#)
This information is sufficient for purposes of this AJD.
Rationale: [NA](#)
- Data sheets prepared by the Corps: [NA](#)
- Photographs: [Aerial: Various aerial photographs were inspected from Google Earth Pro, including 2019, 2017, 2015, 2011, 2009, 2008, 2006, 2003 and 1995. These images support the determination that the lawn area between the house and basketball court are upland. Wetlands could be located further to the north and east, but this is outside of the study area and proposed grading limits.](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [NA](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey, accessed 11/23/2020. The lot in question is mapped on the edge of upland Lockport and Brockport soils, but is primarily within hydric \(66-99%\) Lakemont silty clay loam soils.](#)
- USFWS NWI maps: [Syracuse West Quad. A forested wetland is identified on the project area and including much of the nearby development.](#)
- USGS topographic maps: [Syracuse West Quad, 1:24K. The development is not noted on the USGS topographical map, and the area is identified as a forested block.](#)

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	N/A.
State/Local wetland inventory maps	NYSDEC Environmental Resource Mapper: No State-regulated wetlands are mapped on the project area.
Other Sources	USACE ORM data. No delineations or permits were issued in the area of the development, except for file no. 2012-01145 noted above, where a similar determination was made.

B. Typical year assessment(s): [NA](#)

C. Additional comments to support AJD: [NA](#)