



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): 04-DEC-2020
ORM Number: LRB-2017-01440
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location¹:
State/Territory: NY City: Greece County/Parish/Borough: Monroe County
Center Coordinates of Review Area: Latitude 43.228259 Longitude -77.744395

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 and 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 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland C	0.653 acres	(b)(1) Non-adjacent wetland	Wetland C is a 0.653 acre PFO depressional wetland, located in the center of the property, with no connection to an a(1)-a(3) water. The entire perimeter of the wetland on the property was walked on the days of the site visits (11/17/2017 and 7/27/2020). All resources reviewed support the determination that Wetland C does not abut an a(1)-a(3) water, is not separated and does not contribute flow through a natural or man-made feature. Wetland C is located over 400 feet west of an a(2) water. There is nearly zero percent chance of flooding from the a(2) water in any year (USDA Web Soil Survey). Review of the historical aerials did not show any inundation throughout the year by an a(1)-a(3) water. Therefore it is not adjacent to an a(1)-a(3) water.
Wetland D	0.145 acres	(b)(1) Non-adjacent wetland	Wetland D is a 0.145 acre PSS depressional wetland, located in the northwestern section of the property, with no connection to an a(1)-a(3) water. The wetland on the property was walked on the days of the site visits (11/17/2017 and 7/27/2020). Wetland D appears to continue off site to the northwest. To the north and northwest are residential properties with mowed lawns, showing no existing wetland characteristics. All resources reviewed support the determination that Wetland D does not abut an a(1)-a(3) water, is not separated and does not contribute flow through a natural or man-made feature. Wetland D is located over 400 feet west of an a(2) water and over 700 feet east of another a(2) water. There is nearly zero percent chance of flooding from the a(2) water in any year (USDA Web Soil Survey). Review of the historical aerials did not show any inundation throughout the year by an a(1)-a(3) water. Therefore it is not adjacent to an a(1)-a(3) water.
Wetland E	0.16 acres	(b)(1) Non-adjacent wetland	Wetland E is a 0.16 acre PSS depressional wetland, located in the center of the property, with no connection to an a(1)-a(3) water. The entire perimeter of the wetland on the property was walked on the days of the site visits (11/17/2017 and 7/27/2020). All resources reviewed support the determination that Wetland E does not abut an a(1)-a(3) water, is not separated and does not contribute flow through a natural or man-made feature. Wetland C is located over 200 feet west of an a(2) water. There is nearly zero percent chance of flooding from the a(2) water in any year (USDA Web Soil Survey). Review of the historical aerials did not show any inundation throughout the year by an a(1)-a(3) water. Therefore it is not adjacent to an a(1)-a(3) 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: *Wetland delineation named "Bellasera Place Subdivision" was conducted by Environmental Resources, LLC and was submitted on September 8, 2017 with accurate, complete data sheets, photographs, NWI map, soil survey map with hydric soil information.*

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: *Google Earth pro (2020), ESRI, Eagleview (2006, 2009, 2012, 2015, 2018), Environmental Resources, LLC (2017).*

Corps Site visit(s) conducted on: *11/17/2017 and 7/27/2020.*

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: *Web Soil Survey reviewed.*

USFWS NWI maps: *USFWS online map reviewed.*

USGS topographic maps: *Rochester West, New York Quad; 24k:1.*

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	ORM2 maps.
State/Local/Tribal Sources	NYS DEC Environmental Resource Mapper reviewed. No State regulated wetlands present within the vicinity of the delineated parcel
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.

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Evaluation of aerial photographs, delineation report and results from the APT indicate that no signs of inundation of the wetlands from a tributary occurred. Two of the years evaluated had drier than normal conditions, two years were under normal conditions, and two years were under wetter than normal conditions but there was still no inundation visible. As noted above, the nearest tributary is over 200 feet from the closest delineated wetland.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
43.22826	-77.7444	4/19/2006	-1.13	Mild drought	Wet Season	9	Drier than Normal
43.22826	-77.7444	3/19/2009	2.87	Moderate wetness	Wet Season	15	Wetter than Normal
43.22826	-77.7444	11/17/2012	0.13	Normal	Wet Season	13	Normal Conditions
43.22826	-77.7444	4/12/2015	-1.25	Mild drought	Wet Season	7	Drier than Normal
43.22826	-77.7444	4/22/2018	3.58	Severe wetness	Wet Season	18	Wetter than Normal
43.22826	-77.7444	7/27/2020	-0.48	Normal	Dry Season	13	Normal Conditions

C. Additional comments to support AJD: Evaluation of the on-site conditions as presented in the submittal and substantiated by the photographs and data summary sheets appear to be clear and straight-forward. The review area is 64 acres and does not present complicated details. The delineated parcel is bordered by residential developments on the north and eastern sides, the southern and western sides are bordered by undeveloped land. During the field visits, it was determined that Wetlands C, D and E had no outlets leading to a connection to an a(1)-a(3) water. Wetland D potentially extends off site, however, after review of available resources, no offsite connections to an a(1)-a(3) water were located. All resources reviewed support the determination that Wetlands C, D and E do not directly abut an a(1)-a(3) water, are not separated from an a(1)-a(3) water by a natural or man-made feature, do not contribute to flow to an a(1)-a(3) water, are not inundated by flooding from an a(1)-a(3) water. Therefore, Wetlands C, D and E are not jurisdictional waters of the United States.

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