



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): 12/2/20
ORM Number: LRB-2020-01357
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location¹:
State/Territory: NY City: County/Parish/Borough: Onondaga County
Center Coordinates of Review Area: Latitude 43.10737 Longitude -76.06396

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

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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 A/B	10 acres	(b)(1) Non-adjacent wetland	<p>Wetland A/B is a 10-acre emergent wetland on site, continuing off-site and abutting a roadside ditch along Badgley Road. No channel was observed within the wetland, until the very end off-site, where it appeared to be an ephemeral channel and drained into the roadside ditch. The in-house resources show potential flow to both the northwest and northeast. A site visit was conducted and found that the wetland flows to the northeast into the roadside ditch. The roadside ditch follows the south side of Badgley Road for approximately 100 feet, where it is culverted under Badgley Road to the north, where it then piped along the west side of the road for approximately 475 feet before it opens into a roadside ditch, ultimately meeting the North Branch of Ley Creek, approximately 1,900 feet north of the Badgley Road intersection.</p> <p>The ditch off-site along Badgley Road appears to be an excavated ditch and is located entirely within upland soils. Progressing north along Fly Road, the ditch was constructed in a mix of soil types, ranging from 1-99% hydric. The NHD does not identify either ditch as a tributary.</p> <p>This ditch along Badgley Road does not relocate a tributary, was not constructed in a tributary, and was not constructed in an adjacent wetland.</p> <p>While some aerial photos (eg., 1994 NYS Orthoimagery) indicate a channel within the wetland, suggesting the presence of a tributary, one was not found during the October 2020 site inspection. It is likely that this large wetland was ditched at one time, and now is reverting into a wetland with no channel. This is supported by comparing the past delineations, as this wetland is getting larger in recent years.</p> <p>Based on the information examined, 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 barrier, and is not separated from an (a)(1) – (a)(3) water via an artificial structure/feature.</p>
Stormwater management pond A	0.21 acres	(b)(10) Stormwater Control features	The stormwater managements ponds A and B were constructed in upland, based upon DA Processing No. 2007-01616, where the ponds were identified outside of

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			Wetland A. The impacts associated with the outlet to the pond was authorized into Wetland A (203 square feet). Based upon Google Earth Pro imagery, the ponds were being constructed in a May 2008 photo.
Stormwater Management Pond B	0.36 acres	(b)(10) Stormwater Control features	The stormwater managements ponds A and B were constructed in upland, based upon DA Processing No. 2007-01616, where the ponds were identified outside of Wetland A. The impacts associated with the outlet to the pond was authorized into Wetland A (203 square feet). Based upon Google Earth Pro imagery, the ponds were being constructed in a May 2008 photo.

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). AECC, Wetland Delineation Report, October 2020*

This information is sufficient for purposes of this AJD.

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s). On-site photos provided in wetland delineation report, as well as taken during USACE site inspection. Aerial imagery review from NYS Orthoimagery as well as Google Earth Pro.*

Corps Site visit(s) conducted on: *Date(s). 10/30/2020 by Mike Uitvlugt*

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s). LRB-2015-01162, January 19, 2016. This determination included an AJD and PJD for the southern portion of the site that is included in the current delineation. Wetland B/C was delineated in the same area as the current Wetland A/B and was included in the PJD. The portion of the AJD was south of the current delineation limits. Prior to this, under DA Processing No. 2007-01616, an AJD and NWP 18 were issued for the project site. Wetland A/B has grown since this time but was generally delineated in the same area. The AJD noted that the wetland was connected to a roadside ditch, with ultimate connection through roadside ditches to the North Branch of Ley Creek. This JD and permit also identified the proposed stormwater ponds in an upland area.*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Title(s) and/or date(s). websoil survey, accessed 10/8/2020*

USFWS NWI maps: *Title(s) and/or date(s). Syracuse East Quad.*

USGS topographic maps: *Title(s) and/or date(s). Syracuse East Quad 1:24K*

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.

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NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s):

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.

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