



**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): 2/26/2021
 ORM Number: LRB-2020-00139
 Associated JDs: N/A
 Review Area Location¹: State/Territory: NY City: Lancaster County/Parish/Borough: Erie
 Center Coordinates of Review Area: Latitude 42.93804 Longitude -78.68596

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 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.084	acre(s)	(b)(1) Non-adjacent wetland.	The delineation indicated no drainages or tributaries are within the vicinity of the wetland. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but do not drain to any (a)(1)-(a)(3) waters. Photos and aerial imagery included within the delineation report show no natural or artificial barrier between this wetland any tributary, nor were any observed during the site visit. The nearest mapped stream (Ellicott Creek) is about 0.2 miles away across a road and residential development. 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 the wetland does not directly abut any a(1)-a(3) waters, is not inundated by any a(1)-a(3) waters in a typical year, is not separated from any a(1)-a(3) waters by a natural barrier, and is not separated from any a(1)-a(3) waters by man-made barrier which has an engineered feature that allows water exchange at least once in a typical year.
Wetland 2	0.44	acre(s)	(b)(1) Non-adjacent wetland.	The delineation indicated no drainages or tributaries are within the vicinity of the wetland. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but do not drain to any (a)(1)-(a)(3) waters. Photos and aerial imagery included within the delineation report show no natural or artificial barrier between this wetland any tributary, nor were any observed during the site visit. The nearest mapped stream (Ellicott Creek) is about 0.2 miles away across a road and residential development. 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

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			determination that the wetland does not directly abut any a(1)-a(3) waters, is not inundated by any a(1)-a(3) waters in a typical year, is not separated from any a(1)-a(3) waters by a natural barrier, and is not separated from any a(1)-a(3) waters by man-made barrier which has an engineered feature that allows water exchange at least once in a typical year.	
Wetland 3	0.042	acre(s)	(b)(1) Non-adjacent wetland.	<p>The delineation indicated no drainages or tributaries are within the vicinity of the wetland. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but do not drain to any (a)(1)-(a)(3) waters. Photos and aerial imagery included within the delineation report show no natural or artificial barrier between this wetland any tributary, nor were any observed during the site visit. The nearest mapped stream (Ellicott Creek) is about 0.2 miles away across a road and residential development. 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 the wetland does not directly abut any a(1)-a(3) waters, is not inundated by any a(1)-a(3) waters in a typical year, is not separated from any a(1)-a(3) waters by a natural barrier, and is not separated from any a(1)-a(3) waters by man-made barrier which has an engineered feature that allows water exchange at least once in a typical year.</p>
Wetland 4	0.74	acre(s)	(b)(1) Non-adjacent wetland.	<p>The delineation indicated no drainages or tributaries are within the vicinity of the wetland. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but do not drain to any (a)(1)-(a)(3) waters. Photos and aerial imagery included within the delineation report show no natural or artificial barrier between this wetland any tributary, nor were any observed during the site visit. The nearest mapped stream (Ellicott Creek) is about 0.3 miles away across a road and residential development. The NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none”</p>



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Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			which means flooding is not probable. The chance of flooding is nearly 0 percent in any year. All resources reviewed support the determination that the wetland does not directly abut any a(1)-a(3) waters, is not inundated by any a(1)-a(3) waters in a typical year, is not separated from any a(1)-a(3) waters by a natural barrier, and is not separated from any a(1)-a(3) waters by man-made barrier which has an engineered feature that allows water exchange at least once in a typical year.
Wetland 5	0.607	acre(s)	(b)(1) Non-adjacent wetland. The delineation indicated no drainages or tributaries are within the vicinity of the wetland. The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but do not drain to any (a)(1)-(a)(3) waters. Photos and aerial imagery included within the delineation report show no natural or artificial barrier between this wetland any tributary, nor were any observed during the site visit. The nearest mapped stream (Ellicott Creek) is about 0.3 miles away across a road and residential development. 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 the wetland does not directly abut any a(1)-a(3) waters, is not inundated by any a(1)-a(3) waters in a typical year, is not separated from any a(1)-a(3) waters by a natural barrier, and is not separated from any a(1)-a(3) waters by man-made barrier which has an engineered feature that allows water exchange at least once in a typical year.

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 Report for 0 Stutzman Road, submitted in 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [The wetland delineation was submitted with accurate and complete data sheets, photographs, NWI and NYSDEC maps, web soil survey and other supporting information.](#)



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- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Provided in the wetland delineation](#)
- Corps site visit(s) conducted on: [6/30/2020](#)
- 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: [Erie County](#)
- USFWS NWI maps: [Erie County](#)
- USGS topographic maps: [1:24K Lancaster](#)

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	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)