



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): February 1, 2021

ORM Number: LRB-2020-00429

Associated JDs: N/A

Review Area Location¹:

State/Territory: NY City: Rome County: Oneida County

Center Coordinates of Review Area: Latitude 43.214823 Longitude -75.39209

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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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
Stream 1/ Ditch	130 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Stream 1 and Wetland B are an ephemeral ditch system that collects runoff from multiple directions and empties into an unmapped stormwater system that discharges at an unknown location. The entire review area has been manipulated by fill or grading during construction of the Air Force Base and the soils are classified as Urban Land with a hydric rating of 2%. Stream 1 and the stormwater drain can be seen on aerial photography dating back to 1960 when this portion of the Air Force Base was under construction. According to the USGS topographical map, the review area previously consisted of steep slopes and Six-Mile Creek ran through the northeastern portion of the review area. The average elevation on USGS maps was between 450 to 460 feet elevation and the current elevation is the same as the rest of the airfield at approximately 480 feet elevation, demonstrating that the entire site was raised by 20 to 30 feet during construction, when this occurred, Six-Mile Creek was relocated further to the northeast and culverted under the runway. The ditch system was never a portion of this relocated tributary. The ditch system only conveys water during rain events based on the lack of water evident in the channel in all aerial photos and site visits. The ditch system was created during construction to convey stormwater and the ditch is not a relocated tributary.
Wetland A	0.58 acres	(b)(1) Non-adjacent wetland	Wetland A does not abut any (a)(1)-(a)(3) water. The nearest (a)(1)-(a)(3) water is the relocated channel of Six-Mile Creek, which is more than 900 feet from Wetland A. According to the USGS map, Wetland A is located near the original location of Six-Mile Creek that was relocated and graded prior to 1960. The entire area was raised approximately 20 to 30 feet to bring the site up to the same elevation as the remainder of the airfield when the stream was relocated. Wetland A boundaries were confirmed during a site visit conducted by the Corps of Engineers on June 5, 2020 and Wetland A is a depressional feature with upland on all sides, which likely drains to a stormwater drain located approximately 15 feet to the northeast of the wetland boundaries as overland sheet flow during storm events only. Wetland A is not inundated by any a(1)-a(3) water during a typical year. Six-Mile Creek would need to flood beyond any known flood occurrence to inundate Wetland A at any time. There is no evidence of Wetland

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			<p>A being inundated during any year by any water.</p> <p>Wetland A is not separated from an adjacent water by a natural berm or feature. Wetland A is a depressional feature surrounded by upland that has previously been manipulated through grading and construction activities. The entire review area has been graded multiple times and there is no natural feature that separates this wetland from any other water.</p> <p>Wetland A is separated from the nearest a(1-3) water by more than 900 feet, which includes uplands as well as buildings, roads and other man made features.</p> <p>All resources reviewed support the determination that Wetland A 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 a man-made barrier which has an engineered feature that allows water exchange at least once in a typical year.</p>
Wetland B	0.33 acres	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	Stream 1 and Wetland B are an ephemeral ditch system. See Stream 1 above for rationale.
Wetland C	0.06 acres	(b)(1) Non-adjacent wetland	<p>Wetland C does not abut any (a)(1)-(a)(3) water. The nearest (a)(1)-(a)(3) water is the relocated channel of Six-Mile Creek, which is more than 1,500 feet from Wetland C.</p> <p>Wetland C is not inundated by any a(1)-a(3) water during a typical year. Wetland C was confirmed to be a depressional wetland with upland on all sides during a site visit conducted by the Corps of Engineers on June 5, 2020. Inundated by any a(1)-a(3) water during a typical year. Six-Mile Creek would need to flood beyond any known flood occurrence to inundate Wetland C at any time. There is no evidence of Wetland C being inundated during any year.</p> <p>Wetland C is not separated from an adjacent water by a natural berm or feature. Wetland C is a depressional feature surrounded by upland that has previously been manipulated through grading and construction activities.</p> <p>Wetland A is separated from the nearest a(1-3) water by more than 1800 feet, which includes uplands as well as buildings, roads and other man made features.</p> <p>All resources reviewed support the determination that</p>

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			Wetland A 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 a man-made barrier which has an engineered feature that allows water exchange at least once in a typical year..
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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 Report: Enterprise Way, City of Rome, NY prepared by Parkes Ecological dated February 10, 2020 and revised February 24, 2020.*

This information is not sufficient for purposes of this AJD.

Rationale: *The information provided refers to previous regulations to determine if a waterway is jurisdictional or not. The information was reviewed under the Navigable Waters Protection Rule, which required additional information on the history of the site.*

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

Photographs: *Aerial Photos: Google Earth 3/31/2008; 5/1/1997; 5/13/2015; 5/26/2011; 7/18/2002/ 10/2/2017; Historical Aerials retrieved from the USDA Earth Explorer site (<https://earthexplorer.usgs.gov/>) dated: 1960 and 1989. Photos provided in the delineation report dated 1/15/2020.*

Corps Site visit(s) conducted on: 6/5/2020.

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: *Online NRCS Soil Map accessed 7/30/2020 from <https://websoilsurvey.sc.egov.usda.gov/app/HomePage.htm>*

USFWS NWI maps: *Online NWI map accessed 7/30/2020 from <https://www.fws.gov/wetlands/data/Mapper.html>*

USGS topographic maps: *USGS 1:24k, Rome Quad, 1955*

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): Although several point-in-time resources were evaluated for this review, they were not needed to determine whether inundation occurred from an a(1-3) water into onsite wetlands. Aerial photos were used to evaluate historic conditions, including the potential that Stream 1 was a relocated tributary. These determinations did not require a typical year assessment.

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

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