



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): May 17, 2021

ORM Number: **LRB-2021-00081**

Associated JDs: **N/A**

Review Area Location¹: **Vacant lot between Palo Alto Drive and Glen Iris Drive**

State: **NY**

City: **Henrietta**

County: **Monroe**

Center Coordinates of Review Area: Latitude 43.072233 Longitude -77.638205

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):

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
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
2021-00081 Wetland A	1.25 acres	(b)(1) Non-adjacent wetland	<p>A site visit was made on May 6, 2021. It had been raining for three days, and the area was inundated.</p> <p>This parcel is the last undeveloped area in the subdivision, which was constructed in the 1950s and 1960s. Housing and maintained lawns confine the parcel. The site is overgrown with buckthorn and other scrubby vegetation. It is a depressional area and on-site observations indicate that stormwater is piped underground from the densely developed surrounding residential areas. One location was identified where a culvert daylighted and discharged to the site through an open ditched channel between two residential lawns. Discharges to the site from other culverts were not observed. A hand-excavated channel was identified along the edge of the developed and undeveloped area adjacent to a residential lawn (See 07/02/2018 Google Earth Flow Map). The excavated channel discharges to the roadside ditch along Glen Iris Drive and enters a pipe at the corner of Glen Iris Drive and St. Patrick Drive. Discharge from that point could not be located.</p> <p>The NWI shows a mapped scrub/shrub wetland that was likely impacted/filled by other areas of the development. A review of the ORM and former RAMS databases did not identify prior permits authorizing work in this area. Given the time period in which the development was constructed, it is highly likely that USACE review did not occur.</p> <p>Contours on the USGS Topographic map suggest that drainage from the agricultural field south of</p>

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			<p>Glen Iris Drive has an historic flow path through the area where houses were constructed on that street to the depressional location of the wetland. None of the maps reviewed suggest a flow path out of the wetland area, speculating that this may have been the reason for non-development within the subject area.</p> <p>Soils identified on the site include: CeB Cayuga silt loam, 2 to 6 percent slopes with a 0 hydric soil rating</p> <p>HIA Hilton loam, 0 to 3 percent slopes with a 0 hydric soil rating</p> <p>OdA Odessa silt loam, 0 to 3 percent slopes with a hydric rating of 5</p> <p>These results suggest that the wetland developed on soils that would not have been considered as hydric.</p> <p>The closest (a)(1) – (a)(3) stream (Red Creek – perennial) is approximately 1,278 feet to the east and is separated by topography, the 390 interstate, and Conrail railroad tracks.</p> <p>Therefore, I have determined that this wetland/drainage system would be considered as excluded because: It does not abut an (a)(1) – (a)(3) water It is not adjacent to an (a)(1) – (a)(3) water. Inundation of the wetland from an (a)(1) – (a)(3) water does not occur. There is more than one man-made barrier between the system and an (a)(1) – (a)(3) water.</p>
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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 references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: **Environmental Resources, LLC**
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 aerials; 03/31/2002, 04/19/2016, 07/02/2018 and photos included in the Delineation report.**

Corps Site visit conducted on: **May 6, 2021**

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 – referenced on May 4, 2021**

Soils identified on the site include:	Hydric Soil Rating
CeB Cayuga silt loam, 2 to 6 percent slopes	0
HIA Hilton loam, 0 to 3 percent slopes	0
OdA Odessa silt loam, 0 to 3 percent slopes	5

USFWS NWI maps: **West Henrietta Quad; Legend indicates dated generally in the 1990's**

USGS topographic maps: **West Henrietta, New York**

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	Information available in the ORM database
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. 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. These determinations did not require a typical year assessment.

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

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