



**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): 6/29/2021
 ORM Number: LRB-2021-00571
 Associated JDs: N/A
 Review Area Location¹: State/Territory: NY City: Greece County/Parish/Borough: Monroe
 Center Coordinates of Review Area: Latitude 43.24850 Longitude -77.73826

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
Tributary A	1400 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary A is an intermittent stream that is 3 to 5 feet wide and has an average water depth of 2 feet. Many aerial photos going back to 1994 have water visible. The creek flows northeast into Smith Creek which is a perennial stream that flows into Lake Ontario. It is identified as a Class C stream by the NYSDEC and is shown on the USGS topographic map as an intermittent stream.
Tributary B	940 linear feet	(a)(2) Intermittent tributary contributes	Tributary B is an intermittent stream that is 2 feet wide and has an average water depth of 0.5 feet. Many aerial photos going back to 1994 have water

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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	visible. The creek flows north into Tributary A which then flows into Smith Creek which is a perennial stream that flows into Lake Ontario. It is shown on the USGS topographic map as an intermittent stream.

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
Wetland A	1.39 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A directly abuts Tributary A which is an intermittent stream.
Wetland B	0.28 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland B directly abuts Tributary B which is an intermittent stream.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A.	N/A

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 dated July 2020](#)

This information is sufficient for purposes of this AJD.

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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Rationale: Wetland delineation was submitted with accurate, completed data sheets, photographs, NWI map, web soil survey with hydric soil ratings and other supporting information.

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial: Google earth images from 1994 through 2018
- Corps site visit(s) conducted on: 10/30/2020
- 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: Monroe County, reviewed on 10/29/2020
- USFWS NWI maps: Reviewed on 10/29/2020
- USGS topographic maps: Rochester West

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
Other USGS data (specify)	N/A
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local wetland inventory maps	N/A
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 (PDSI) and the University of Delaware WebWIMP.

Inputs/Data Sources:

Latitude(s)/Longitude(s): 43.2458, -77.7263
 Observation Date(s): October 30, 2020
 Geographic Area(s) (Scope): HUC 12 watershed
 Weather Station(s): Rochester Intl Airport

Result(s):

APT: Drier than normal
 PDSI: Incipient Drought
 WebWIMP: Wet season

Conclusion: Results of the APT evaluation indicate that the site visit was conducted during the wet season and under drier than normal conditions. Considering that Tributary B appeared to have sufficient indicators of intermittent water flow during during drier than normal conditions, it's reasonable to conclude that the tributary has intermittent flow under normal conditions.



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C. Additional comments to support AJD: [N/A](#)