



**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): 7/7/2021

ORM Number: LRB-1991-99478

Associated JDs: LRB-1991-99478, previous JD's for different areas of the same property in 2001, 2006, and 2017

Review Area Location¹: State/Territory: NY City: Campbell County/Parish/Borough: Steuben

Center Coordinates of Review Area: Latitude 42.20989 Longitude -77.11175

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
Stream 1	2096	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
Stream 2	638	linear feet	(a)(2) Intermittent tributary
			Stream 2 is a headwater stream that has its main water source from ground water seeps. It maintains

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
		contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	enough ground water flow throughout the growing season to provide water for significant moss growth within the channel, as well as the presence of blackened leaves. The channel has a defined OHWM and bed averaging 3 feet wide. It drains directly into Stream 2, which is a perennial stream. This same stream was identified as Stream 7 in the November 2017 Approved JD, where it was determined to be intermittent. This stream is characterized as having on average 20 flow events per year and groundwater seeps were observed through the area that were observed to directly contribute to the flow of Stream 7.

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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.46 acre(s)	(b)(1) Non-adjacent wetland.	The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to any (a)(1)-(a)(3) waters. Photos included within the delineation report and a review of aerial imagery show no natural or artificial barrier between the wetland and the Erwin Hollow Creek which is about 700 feet to the east. The NRCS/USDA Web Soil Survey “Flood Frequency Class” rating is “none” which means flooding is not probable. The chance of

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
			flooding is nearly 0 percent in any year. All resources reviewed support the determination that the wetland doesn't directly abut an a(1)-a(3) waters, are not separated from an a(1)-a(3) waters by a natural or man-made feature and are not adjacent to an a(1)-a(3) waters.
Wetland 2	0.11	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 does not drain to any (a)(1)-(a)(3) waters. Photos included within the delineation report and a review of aerial imagery show no natural or artificial barrier between the wetland and the Erwin Hollow Creek, which is on the other side of a road and about 1600 feet to the east. 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 doesn't directly abut an a(1)-a(3) waters, are not separated from an a(1)-a(3) waters by a natural or man-made feature and are not adjacent to an a(1)-a(3) waters.
Wetland 3	0.26	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 does not drain to any (a)(1)-(a)(3) waters. Photos included within the delineation report and a review of aerial imagery show no natural or artificial barrier between the wetland and Erwin Hollow Creek, which is on the other side of a road and about 1600 feet to the east. 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 doesn't directly abut an a(1)-a(3) waters, are not separated from an a(1)-a(3) waters by a natural or man-made feature and are not adjacent to an a(1)-a(3) waters.
Wetland 4	0.64	acre(s)	(b)(1) Non-adjacent wetland. The delineation indicated no drainages or tributaries are within the vicinity of the wetland.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			<p>The wetland is a shallow surface concave depression that collects water and holds it long enough to provide wetland characteristics but does not drain to any (a)(1)-(a)(3) waters. Photos included within the delineation report and a review of aerial imagery show no natural or artificial barrier between the wetland and Erwin Hollow Creek, which is on the other side of a road and about 1600 feet to the east. 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 doesn’t directly abut an a(1)-a(3) waters, are not separated from an a(1)-a(3) waters by a natural or man-made feature and are not adjacent to an a(1)-a(3) waters.</p>

Wetland 5	0.21	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 does not drain to any (a)(1)-(a)(3) waters. Photos included within the delineation report and a review of aerial imagery show no natural or artificial barrier between the wetland and Erwin Hollow Creek, which is on the other side of a road and about 1600 feet to the east. 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 doesn’t directly abut an a(1)-a(3) waters, are not separated from an a(1)-a(3) waters by a natural or man-made feature and are not adjacent to an a(1)-a(3) waters.</p>
Wetland 6	0.06	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 does not drain to any (a)(1)-(a)(3) waters. Photos included within the delineation report and a review of aerial imagery show no natural or</p>



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				<p>artificial barrier between the wetland and Erwin Hollow Creek, which is on the other side of a road and about 1600 feet to the east. 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 doesn't directly abut an a(1)-a(3) waters, are not separated from an a(1)-a(3) waters by a natural or man-made feature and are not adjacent to an a(1)-a(3) waters.</p>
Wetland 7	0.02	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 does not drain to any (a)(1)-(a)(3) waters. Photos included within the delineation report and a review of aerial imagery show no natural or artificial barrier between the wetland and Erwin Hollow Creek, which is on the other side of a road and about 1600 feet to the east. 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 doesn't directly abut an a(1)-a(3) waters, are not separated from an a(1)-a(3) waters by a natural or man-made feature and are not adjacent to an a(1)-a(3) waters.</p>
Wetland 8	0.07	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 does not drain to any (a)(1)-(a)(3) waters. Photos included within the delineation report and a review of aerial imagery show no natural or artificial barrier between the wetland and Stream 1, which is about 400 feet to the west. 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 doesn't directly abut an a(1)-a(3) waters, are not separated from an a(1)-a(3) waters by a natural</p>



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				or man-made feature and are not adjacent to an a(1)-a(3) waters.
Wetland 9	0.25	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 does not drain to any (a)(1)-(a)(3) waters. Photos included within the delineation report and a review of aerial imagery show no natural or artificial barrier between the wetland and Stream 1, which is about 300 feet to the west. 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 doesn't directly abut an a(1)-a(3) waters, are not separated from an a(1)-a(3) waters by a natural or man-made feature and are not adjacent to an a(1)-a(3) waters.
Wetland 10	0.02	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 does not drain to any (a)(1)-(a)(3) waters. Photos included within the delineation report and a review of aerial imagery show no natural or artificial barrier between the wetland and Stream 1, which is about 450 feet to the west. 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 doesn't directly abut an a(1)-a(3) waters, are not separated from an a(1)-a(3) waters by a natural or man-made feature and are not adjacent to an a(1)-a(3) waters.
Wetland 11	0.01	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 does not drain to any (a)(1)-(a)(3) waters. Photos included within the delineation report and a review of aerial imagery show no natural or artificial barrier between the wetland and Stream 1, which is about 450 feet to the west. The



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				<p>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 doesn't directly abut an a(1)-a(3) waters, are not separated from an a(1)-a(3) waters by a natural or man-made feature and are not adjacent to an a(1)-a(3) waters.</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/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report dated November 2018](#)

This information is sufficient for purposes of this AJD.

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 1985 through 2018](#)
- Corps site visit(s) conducted on: [9/28/2018](#)
- 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: [Steuben County, reviewed on 6/29/2021](#)
- USFWS NWI maps: [Reviewed on 6/29/2021](#)
- USGS topographic maps: [Hornell](#)

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): [N/A](#)

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