



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): August 30, 2021
ORM Number: LRB-2021-00563 – Seneca Lake Resorts
Associated JDs: None
Review Area Location¹: Within the Seneca Lake State Park at the north end of Seneca Lake
State: New York City: Waterloo County: Seneca
Center Coordinates of Review Area: Latitude 42.870667 Longitude -76.938779

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

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

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 and 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 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
Dry Land	Approx. 9.7 acres	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	<p>The 9.7-acre upland area is located between a railroad spur line and the excavated water passage into and inland marina from the Cayuga-Seneca Canal within the Seneca Lake State Park.</p> <p>The Web Soil Survey identifies this land as “made land” with a hydric rating of 0. Currently, the parcel supports cottonwood and willow trees that are estimated to be 100± years old based on dbh size with smaller under canopy species such as ash and buckthorn with an overwhelming predominance of poison ivy as ground cover. The parcel is littered with rubble, rotting fence posts, and other such debris. A parking lot abuts on the northern end of the parcel.</p> <p>The NWI for the 1990’s indicates that nearly the entire parcel is mapped as a forested wetland.</p> <p>However, the delineation and a follow-up site visit by the USACE on 08/24/2021 confirmed that the site is upland and does not contain wetland areas. The area may have been wetland at some time in the distant past, but that is not currently evident. The surrounding lawn area is part of the maintained Seneca Lake State Park. There are parking lots, gravel bicycle path, maintenance building, boat trailer parking, and picnic amenities adjacent to the area as well as the inland marina excavated many decades ago and the construction of the railroad line north of the parcel.</p> <p>These development aspects of the park and adjacent areas likely changed any historic hydrologic regime.</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:
Applicant: Seneca Lake Resorts
Agent/Consultant: Delta Engineers
 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: Aerial - Google Earth:04/14/1995; 06/04/2006; 05/26/2011; 07/15/2015
 Other: Contained in the delineation conducted on 12/20/2020
- Corps Site visit conducted on: 08/24/2021
- 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; August 18, 2021
- USFWS NWI maps: Geneva South, New York Quad
- USGS topographic maps: Geneva South, New York Quad

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	See A above
USDA Sources	See A above
NOAA Sources	N/A.
USACE Sources	See A above
State/Local/Tribal Sources	N/A
Other Sources	USFWS (See A above)

B. Typical year assessment(s): Point-in-time resources were not evaluated for this review, because no wetlands or other water bodies were identified on the parcel.

C. Additional comments to support AJD: N/A

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