

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):**

September 29, 2021

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Buffalo District; Auburn Field Office;  
Kohorst, Larry; File No. 2021-00965**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION: 8822 Read Road**

**State: New York**

**County: Genesee**

**City: Corfu**

Center coordinates of site (lat/long in degree decimal format): **Lat: 42.9829 Long: -78.3164**

Universal Transverse Mercator:

Name of nearest waterbody: **Unnamed tributary to Murder Creek**

Name of watershed or Hydrologic Unit Code (HUC): **04120104**

- Check if map/diagram of review area is available upon request.  
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date: 09/10/2021**  
 **Field Determination. Date(s): 09/09/2021**

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **are no** “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **are no** “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

---

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

**SECTION III: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.**
  - Office concurs with data sheets/delineation report.**
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 24000k; Alexander, NY Quad**
- USDA Natural Resources Conservation Service Soil Survey. Citation: On-Line Web Soil Survey**
- National wetlands inventory map: Alexander, NY Quad. No wetlands are mapped on the site.**
- State/Local wetland inventory map:
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:**
  - Aerial (Name & Date): Google Earth Pro: 1995, 2006, 2009, 2016, 2018. None of these aerials suggest that there are wetlands or any other waters of the U.S. in the area proposed for a 9+ acre recreational pond or the designated stockpile area.**
  - and/or**  **Other (Name & Date): Photos dated 06/10/2021 contained in the delineation summary**
- Previous determination(s). File No. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

<b>Soils identified on the construction site are as follows:</b>	<b>Rating</b>
<b>Ld Lamson very fine sandy loam</b>	<b>90</b>
<b>LmA Lima silt loam, 0 to 3 percent slopes</b>	<b>1</b>
<b>LmB Lima silt loam, 3 to 8 percent slopes</b>	<b>1</b>
<b>MhB Manheim silt loam, 3 to 8 percent slopes</b>	<b>5</b>
<b>MoB Mohawk channery silt loam, 2 to 8 percent slopes</b>	<b>0</b>
<b>MoC Mohawk channery silt loam, 8 to 15 percent slopes</b>	<b>0</b>
<b>OnC Ontario loam, 8 to 15 percent slopes</b>	

**Soils identified on the soil stockpile site are as follows:**

<b>MhB Manheim silt loam, 3 to 8 percent slopes</b>	<b>5</b>
<b>MoB Mohawk channery silt loam, 2 to 8 percent slopes</b>	<b>0</b>
<b>MoC Mohawk channery silt loam, 8 to 15 percent slopes</b>	<b>0</b>
<b>ApA Appleton silt loam, 0 to 3 percent slopes</b>	<b>4</b>
<b>MoD Mohawk channery silt loam, 15 to 25 percent slopes</b>	<b>0</b>

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:**

**Pond Construction Area:**

The on-line web soil survey indicates that much of the construction study area is mapped as Lamson very fine sand loam with a hydric soil rating of 90 (see soil summary above). The field has been worked in agriculture for many decades. During the September 9, 2021 site visit the study area was walked and various areas were “spot checked” for the soil. Although there was an expectation of identifying hydric soil on the parcel, on-site observations confirmed that the study area is entirely upland. The soil descriptors below were checked with the hydric soil manual and did not meet a hydric soil indicator.

0-10	10YR 3/2	100%						Sandy
10-14	10YR 3/2	95%	7.5YR 4/6	5	C	M		Sandy prominent redox conc.

Hydric rating for soils in the stockpile area ranges from 0-5. Soil data obtained during the delineation indicates:

The site is approximately 0.15 miles from an unnamed tributary to Murder Creek which is upslope of the site to the east and approximately 0.27 miles from Murder Creek to the northwest.

**Soil Stockpile Area:**

An approximately one-acre area will be used to stockpile excavated soil. A review of on-line resources suggest that the stockpile area is entirely upland. Data collected at the stockpile site indicates that the area is agricultural field currently planted in a cover crop of peas and rye. The soil descriptor below was checked with the hydric soil manual and did not meet a hydric soil indicator.

0-17	7.5yr 3/2	100%						Loamy/clayey
------	-----------	------	--	--	--	--	--	--------------

Further, historic Google Earth photos for the years 1995, 2006, 2009, 2016, 2018 do not suggest the presence of wetlands or any other waters of the U.S. within the pond construction area or the designated stockpile area.

Therefore, based on the delineation summary, USACE on-site observations, and the reference materials cited above, I have determined that the project areas described above are entirely dry land.