

**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): 11/2/2021**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Buffalo District, Auburn Field Office, EGJ Ventures

(Canandaigua Road); File No. 2021-00936

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: New York

County: Wayne

City: Town of Macedon

Center coordinates of site (lat/long in degree decimal format):      Latitude: 43.122357      Longitude: -77.321859  
Universal Transverse Mercator: X: 311121.58573    Y: 4777019.244722

Name of nearest waterbody: Black Creek

Name of watershed or Hydrologic Unit Code (HUC): 04140201

- 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:
- Field Determination Date: October 29, 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.

**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; Macedon, New York Quad
- USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey
- National wetlands inventory maps: Macedon, New York Quad
- State/Local wetland inventory maps: Macedon, New York Quad
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth 1994, 2010, 2021; HistoricAerials.com 1969, 1994, 2009, 2017
- or  Other (Name & Date): Photos dated June 2021 included in the delineation report; Historic Topos 1916, 1931, 1952, 2019
- Previous determination(s). File No. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:

<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.

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

	Hydric Rating
According to the web soil survey, soils on the site include:	
Bombay gravelly fine sandy loam, 0 to 3 percent slopes	4
Bombay gravelly fine sandy loam, 3 to 8 percent slopes	4
Cazenovia gravelly silt loam, bedrock substratum, 3 to 8 percent slopes	0
Massena gravelly loam, 0 to 3 percent slopes	57
Ontario gravelly loam, 8 to 15 percent slopes	0
Palms muck	100
Phelps gravelly loam, 3 to 8 percent slopes	8

The areas mapped as Palm muck (100 rating) and Massena gravelly loam (57 rating) were investigated during the October 29, 2021 USACE site visit. It was confirmed that soils having these hydric ratings were not evident in these areas, but acknowledge that the review area boundary abuts off-site areas that do have exhibit ratings.

A review of the available historic topographic maps from 1900 until 1942 depict Black Creek to the west. The 1952 topo shows the forested area that is the subject parcel. The 2016 and 2019 topographic maps depict wetlands directly adjacent to the west and south of the parcel.

The NWI depicts a mapped wetland within the western boundary and within the northwest portion of the parcel and the NYS DEC Freshwater Wetland Map depicts the entire parcel within the 100-foot adjacent area of the wetland.

Determination: The USACE site visit on October 29, 2021 confirmed that the review area is comprised entirely of dry land. There are no waters or water features, including wetlands, of any kind in the entire review area.