

APPROVED JURISDICTIONAL DETERMINATION FORM
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): DEC 28 2007 *ML*

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: New York District; Applicant: Frank & Maureen Liantonio; File # 2007-01121-EST

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New York County/parish/borough: Suffolk City: Southampton
Center coordinates of site (lat/long in degree decimal format): Lat. 40.925° N, Long. 72.4375° W
Universal Transverse Mercator:

Name of nearest waterbody: Island Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Great Peconic Bay

Name of watershed or Hydrologic Unit Code (HUC): Southern Long Island; 02030202

Check if map/diagram of review area and/or potential jurisdictional areas is/are 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: November 9, 2007

Field Determination. Date(s): N

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There Are "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: Navigable waters.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There Are "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 200 linear feet: 75 width (ft) and/or acres.

Wetlands: 0.9 acres.

c. Limits (boundaries) of jurisdiction based on: seaward limit of the territorial seas

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

1. TNW

Identify TNW: Island Creek

Summarize rationale supporting determination: Waters subject to ebb and flow of the tide

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": photos submitted with the application support the above conclusion

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY) – N/A

C. SIGNIFICANT NEXUS DETERMINATION – N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area.

TNWs: 200 linear feet, 75 width (ft), Or, acres.

Wetlands adjacent to TNWs: 0.9 acres.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS – N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS – N/A

