

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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): January 3, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: NAN-2017-01364-EME

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New York County/parish/borough: Borough of Queens, Queens County City: Far Rockaway
Center coordinates of site (lat/long in degree decimal format): Lat. 40.582752°, Long. -73.81751°
Universal Transverse Mercator:

Name of nearest waterbody: Atlantic Ocean

Name of watershed or Hydrologic Unit Code (HUC): Great South Bay-Atlantic Ocean

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(s): January 3, 2018

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: Interim Flood Protection Measures Program Rockaway Boardwalk Concession Islands- Beach 97th Overall Site Plan (Figure 2b), Beach 97th Tidal Wetland and CEHA Boundaries (Figure 6b), Beach 97th Entry Island-IFPM 152B Overall Site Plan/Table 1: Tidal Datum

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: *Click here to enter text.*

U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: *Click here to enter text.*

USDA Natural Resources Conservation Service Soil Survey. Citation: *Click here to enter text.*

National wetlands inventory map(s). Cite name: Google Earth data layer-map name unknown (<http://www.fws.gov/wetlands/Data/Data-Download.html>)

State/Local wetland inventory map(s): *Click here to enter text.*

FEMA/FIRM maps: *Click here to enter text.*

100-year Floodplain Elevation is: *Click here to enter text.* (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): Google Earth 2016

or Other (Name & Date): Application color photos titled "Interim Flood Protection Measures-Rockaway Boardwalk Concession Islands", by NYC Parks, dated October 2017.

Previous determination(s). File no. and date of response letter: *Click here to enter text.*

Applicable/supporting case law: *Click here to enter text.*

Applicable/supporting scientific literature: *Click here to enter text.*

Other information (please specify): *Click here to enter text.*

¹ 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:

The extent of "tidal wetlands" was mapped on the NWI map to the edge of the boardwalk as Marine Intertidal Unconsolidated Shoreline, Sand, Irregularly Flooded (M2US2P); all project work is located landward of the delineated line, in upland.

Based on the information provided in "Table 1: Tidal Datum" (Sheet No. IFPM 152B/ G-002, sheet 2 of 13), the elevation of the Mean High Water is 2.0-feet above baseline (0-feet NAVD88), and the elevation of the Mean Higher High Water is 2.3-feet above baseline. According to information in the Joint Application, each of the three project locations (86th Street, 97th Street, and 106th Street concession islands) are approximately 8-feet above baseline, which is well above the HTL.