



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): **12 AUGUST 2020**

ORM Number: NAN-2020-00381-WOR

Associated JDs: NAN-2010-00691-WOR

Review Area Location¹:

State/Territory: NY City: Montgomery County/Parish/Borough: Orange County

Center Coordinates of Review Area: Latitude 41.489246 Longitude -74.227916

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
N/A	N/A	N/A	N/A

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

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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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
202000381 Wetland A	3.23 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A was delineated using the 87 Manual/Regional Supplement and is physically contiguous to a perennial, unnamed tributary to Beaverdam Brook.
202000381 Wetland B	0.7 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B was delineated using the 87 Manual/Regional Supplement and is physically contiguous to an intermittent, unnamed tributary to Beaverdam Brook, located just off site.
202000381 Wetland D	8.82 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland D was delineated using the 87 Manual/Regional Supplement and is physically contiguous to a perennial, unnamed tributary to Beaverdam Brook.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
202000381 Wetland C	1.33 acres	(b)(1) Non-adjacent wetland	Wetland C is not located within a 100-year floodplain. Wetland C is located approximately 160 feet from and 8 feet higher in elevation than Wetland D, the nearest water of the United States, with no apparent hydrologic connection.

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: *Title(s) and date(s)*.
This information (*is/is not/is and is not*) sufficient for purposes of this AJD.
Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency)*.
Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: aerial and ground level.

Corps Site visit(s) conducted on: *October 18, 2006, Application No. NAN-2003-607-WOR.*

Previous Jurisdictional Determinations (AJDs or PJDs): *NAN-2010-00691-WOR, dated October 19, 2010.*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Orange County, NY.*

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- X USFWS NWI maps: *Maybrook, NY USGS Quadrangle Map.*
- X USGS topographic maps: *Maybrook, NY USGS Quadrangle Map.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	FEMA Map # 36071C0301E

- B. **Typical year assessment(s):** N/A
- C. **Additional comments to support AJD:** N/A

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