



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): December 2, 2020

ORM Number: NAN-2011-01126-WNE

Associated JDs: N/A

Review Area Location¹:

State/Territory: NY City: Town of LaGrange County/Parish/Borough: Dutchess County
Center Coordinates of Review Area: Latitude 41.667108 Longitude -73.804073

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
201101126 Stream A	1300 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream A is a perennial, unnamed tributary to Sprout Creek, as evidenced by aerial photography, observed bed and banks, ordinary high-water marks and running water during most times of the year.
201101126 Stream B	750 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream B is an intermittent, unnamed tributary to Sprout Creek, as evidenced by aerial photography, observed bed and banks, ordinary high-water marks and running water during many times of the year.

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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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

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
201101126 Wetland A	34.64 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 Stream A, a perennial, unnamed tributary to Sprout Creek.
201101126 Wetland B	19.24 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 Stream B, an intermittent, unnamed tributary to Sprout Creek.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
201101126 Wetland C	0.24 acres	(b)(1) Non-adjacent wetland	Wetland C is not located within a 100-year floodplain. Wetland C is located approximately 300 feet from and 22 feet higher in elevation than Stream A, 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: *"Wetlands Location Map LaGrange Town Center NYS Route 55, Todd Hill Road & Lauer Road Town of LaGrange, Dutchess County, New York", prepared by John Meyer Consulting, PC, dated February 6, 2006, and last revised October 6, 2014.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *Google Earth Aerials dated September 19, 2013, and September 18, 2019.*

Corps Site visit(s) conducted on: *May 21, 2014.*

Previous Jurisdictional Determinations (AJDs or PJDs): *AJD issued December 3, 2014, Application Number NAN-2011-01126-WOR.*

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

USDA NRCS Soil Survey: *Generated at Web Soil Survey December 1, 2020.*

USFWS NWI maps: *Title(s) and/or date(s).*

USGS topographic maps: *Title(s) and/or date(s).*

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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 # 36027C0391E

B. Typical year assessment(s):

- a. The antecedent precipitation tool (APT) was run for the site visit that was conducted on May 21, 2014, showing that the site visit was conducted during normal conditions.
- b. The APT was run for the two Google Earth aerial photographs, dated September 19, 2013 and September 18, 2019. According to the APT, September 19, 2013 was experiencing wetter than normal conditions while September 18, 2019 was experiencing normal conditions.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.

- a. The site visit of May 21, 2014, resulted in no changes to the proposed wetland line, and led to the issuance of an AJD letter on December 3, 2014, which expired on December 3, 2019.
- b. The two Google Earth aerial photographs, dated September 19, 2013 and September 18, 2019, show that no work has been accomplished on site since the AJD was issued and the site conditions look essentially the same.
- c. The USDA soil map shows that the mapped poorly drained soils correspond directly with the areas mapped by the consultant as wetlands.

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