



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 17, 2020

ORM Number: NAN-2018-01335-UCO

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: NY City/Town: Chazy County/Parish/Borough: Clinton County

Center Coordinates of Review Area: Latitude 44.811173 Longitude -73.466972

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
A, 2018-01335, Jointa Lime	0.05 acres	(b)(1) Non-adjacent wetland	The subject wetland has been determined to not be “adjacent” to a paragraph (a)(1), (2), or (3) water. Each adjacency criteria are assessed below: - No (a)(1)-(3) waters were observed within the immediate vicinity of the perimeter of the subject wetland therefore, the subject wetland is not abutting a paragraph (a)(1)-(3) water. - As no evidence of inundation by flooding from a paragraph (a)(1)-(3) water was observed during the 23 OCT 2019 site visit and resources do not indicate the subject wetland is prone to being inundated by flooding from a paragraph (a)(1)-(3) water, the subject wetland has been determined to not meet adjacency criteria (ii). - The subject wetland is not separated from a paragraph (a)(1)-(3) water only by a natural berm, bank, dune, or similar natural feature and therefore does not meet adjacency criteria (iii). - The subject wetland is not separated from a paragraph (a)(1)-(3) water only by an artificial dike, barrier, or similar artificial structure and therefore does not meet adjacency criteria (iv). See detailed rationale in III.C below.
B, 2018-01335, Jointa Lime	0.18 acres	(b)(1) Non-adjacent wetland	See rationale for Wetland A.
C, 2018-01335, Jointa Lime	0.28 acres	(b)(1) Non-adjacent wetland	See rationale for Wetland A.
D, 2018-01335, Jointa Lime	0.1 acres	(b)(1) Non-adjacent wetland	See rationale for Wetland A.
E, 2018-01335, Jointa Lime	0.07 acres	(b)(1) Non-adjacent wetland	See rationale for Wetland A.
F, 2018-01335, Jointa Lime	0.008 acres	(b)(1) Non-adjacent wetland	See rationale for Wetland A.
G, 2018-01335, Jointa Lime	0.08 acres	(b)(1) Non-adjacent wetland	See rationale for Wetland A.
H, 2018-01335, Jointa Lime	0.02 acres	(b)(1) Non-adjacent wetland	See rationale for Wetland A.
I, 2018-01335, Jointa Lime	0.54 acres	(b)(1) Non-adjacent wetland	See rationale for Wetland A.
J, 2018-01335, Jointa Lime	0.5 acres	(b)(1) Non-adjacent wetland	See rationale for Wetland A.
K, 2018-01335, Jointa Lime	0.83 acres	(b)(1) Non-adjacent wetland	See rationale for Wetland A.

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**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: *Report entitled "Wetlands and Endangered Species Report, Chazy Mine N/F Hanson Parcel (80± Acres), Stratton Hill Road, West Chazy, NY", prepared by Quenzer Environmental, LLC, dated March 2019, and last revised August 2020, and drawing entitled "JOINTA LIME COMPANY, WETLAND MAP FOR ACOE JURISDICTIONAL DETERMINATION, Town of West Chazy, Clinton County, NY", prepared by ADIRONDACK GEOLOGIC SERVICES DPC, dated July 6, 2020, and last revised September 24, 2020.*

This information *is and is not* sufficient for purposes of this AJD.

Rationale: *The above report is partially insufficient, in that additional information regarding hydrological connectivity and adjacency is provided in III.C below.*

Data sheets prepared by the Corps: *N/A.*

Photographs: *On-site photos dated 6 DEC 2018, 23 OCT 2019 and 9 SEP 2020 (see Other Sources below), and Google Earth aerial photos dated 17 MAR 2011, 26 MAY 2011 and 8 SEP 2014.*

Corps Site visit(s) conducted on: *6 DEC 2018, 23 OCT 2019 and 9 SEP 2020.*

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*

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

USDA NRCS Soil Survey: *'Soils Map, Stratton Hill Rd, West Chazy, NY' from Web Soil Survey.*

USFWS NWI maps: *See 'Figure 4 NWI – Chazy Quarry Site' from Report cited above.*

USGS topographic maps: *Figure entitled "Jointa Chazy NMV USGS topo 30 OCT 2018".*

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	"USGS National Map Viewer PRINT w/NHD and NWI layers" dated 29 OCT 2018.
USDA Sources	NRCS Soil Survey: "Flooding Frequency Class—Clinton County, New York (Jointa Lime, Chazy)", from Web Soil Survey
NOAA Sources	N/A.
USACE Sources	6 DEC 2018 Site Inspection Report, dated 8 JUN 2020; 23 OCT 2019 Site Inspection Report, dated 10 SEP 2020; 9 SEP 2020 Site Inspection Report, dated 16 SEP 2020.
State/Local/Tribal Sources	Figures entitled "ClinCoGIS topo vicinity w/NWI-FIRM" dated 25 SEP 2020, and "ClinCoGIS aerial w/NWI" dated 23 SEP 2020
Other Sources	Figure entitled "Chazy Quarry 4000 ft radius from a(1)-(5) waters REV" dated 4 DEC 2018

**B. Typical year assessment(s):** Based on the APT results, the on-site observations on 23 Oct 2019 of the surface flow pathway from Wetland B across uplands off the project site via overland flow, were made during the wet season under normal conditions, however recent precipitation levels in the vicinity were at the higher levels of the 30-yr normal range.

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**C. Additional comments to support AJD:** Wetlands B, C, and E had surface water at the time of the 6 Dec 2018 and 23 Oct 2019 USACE inspections, whereas the remaining wetlands did not, however no on-site tributaries were mapped by the consultant or shown on remote tools. USACE field inspection confirmed the lack of stream channels on site. Hydrologic flows from Wetlands B and C were observed to pond along a rock farm wall along the eastern boundary of the site and continue off-site to the east through a notch in the wall. On 23 Oct 2019 this flow was observed to continue in a generally northeasterly direction across uplands via a discrete overland flow pathway that lacked features of an ordinary high water mark and/or did not meet the criteria to be delineated as a wetland. Remote tools and on-site observations did not show definitive evidence of any aquatic features within the observed and presumed flow pathway northeast of Wetland B. An NWI-mapped wetland is shown on remote tools approximately 300 feet to the south-southeast of the notch, however, flows from Wetland W-B appear to be directed northward away from this NWI wetland and across uplands towards a residential home site along Stratton Hill Rd. The other delineated wetlands within the AJD review area are located in depressional features surrounded by uplands and completely within the review area limits. The site is located on a hill at the top of its local watershed along the divide between two different USGS National Hydrography Database HUC-12 basins. There are no tributaries within 4,000 feet of any wetlands within the review area, no field indicators of any flooding events from any tributary were observed on-site, the closest FEMA mapped floodplain is located over 4,000 feet from the site, and the NRCS Web Soil Survey mapping of the Flooding Frequency Class of all mapped soils on the site indicates the chance of flooding is nearly 0 percent in any year (flooding occurs less than once in 500 years). Wetlands A, B, C, D, E, F, G, H, I, J, and K, do not abut an (a)(1), (a)(2) or (a)(3) water, nor are they inundated by flooding from an (a)(1), (a)(2) or (a)(3) water during a typical year, nor are they separated from an (a)(1), (a)(2) or (a)(3) water by either a natural berm or similar feature, or by an artificial barrier or similar structure that provides a direct hydrologic surface connection between the wetlands and an (a)(1), (a)(2) or (a)(3) water in a typical year.

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