



**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): 11/18/2020  
 ORM Number: NAN-2020-00757-WRY  
 Associated JDs: NAN-1999-04560 and NAN-2005-00313  
 Review Area Location<sup>1</sup>: State/Territory: NY City: Airmont County/Parish/Borough: Rockland  
 Center Coordinates of Review Area: Latitude 41.1114742 Longitude -74.1162769

**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
- 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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Unnamed Tributary to Mahwah River	317	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Unnamed Tributary to Mahwah River was delineated using the 87 Manual/Regional Supplement, flows through Wetland B, and contributes hydrologic surface water to a perennial, unnamed tributary to the Mahwah River via corrugated metal pipe.

<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 or 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 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.



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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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
202000757 Wetland A	2.08	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetland A was delineated using the 87 Manual/Regional Supplement and has a direct hydrologic surface water connection to a perennial, unnamed tributary to the Mahwah River via corrugated metal pipe.
202000757 Wetland B	0.34	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetland B was delineated using the 87 Manual/Regional Supplement and has a direct hydrologic surface water connection to a perennial, unnamed tributary to the Mahwah River via corrugated metal pipe.

**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
N/A.	N/A.	N/A.	N/A.	N/A.

**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: “Application for US Army Corps of Engineers Jurisdictional Determination, Airmont Plaza, Section 55.11, Block 3, Lots 14, 16 and 17, Village of Airmont, Rockland County, New York” by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. dated 27 JUL 2020

This information is 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 Other: Site Photos and Photo Location Map; 22 JUL 2020
- Corps site visit(s) conducted on: Date(s).
- Previous Jurisdictional Determinations (AJDs or PJDs): NAN-1999-04560 and NAN-2005-00313
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: NRCS Web Soil Survey GIS Data, Rockland County, 20 JUL 2020
- USFWS NWI maps: Park Ridge, NY USGS Quadrangle Map, 20 JUL 2020

<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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USGS topographic maps: [Rockland County GIS, 10 AUG 2020](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">CorpsMap ORM Map Layers</a>	<a href="#">Regulatory ORM Project Locations and ORM Aquatic Resources accessed 30SEP2020</a>
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">FEMA/FIRM maps</a>	<a href="#">FEMA Flood Insurance Rate Map (FIRM) Panel No. 36087C0151G accessed 10NOV2020</a>

**B. Typical year assessment(s):** The USACE Antecedent Precipitation Tool (APT) was used to complete typical year assessments. The APT pulls precipitation data from NOAA’s Daily Global Historical Climatology Network and evaluates normal precipitation conditions based on the three 30-day periods preceding the observation date. For each period, a weighted condition value is assigned by determining whether the 30-day precipitation total falls within, above, or below the 70th and 30th percentiles for totals from the same data range over the preceding 30 years. The APT then makes a determination of “normal,” “wetter than normal,” or “drier than normal” based on the condition value sum. The APT also displays results generated via the Palmer Drought Severity Index (PDSI) and the University of Delaware WebWIMP. The latitude and longitude fo the subject parcel was input into the APT and “single” point was chosen for the geographic area. Results are below:

Delineation Report Photograph Date 17JUN2020 (PDSI Class: Mild Drought, Season: Dry Season, ARC Score: 12, Antecedent Precipitation Condition: Normal Conditions)

Conclusion: Overall. This period is considered to fall within normal climatic conditions. However, the Palmer Drought Severity Index indicates mild drought during this period, the WebWIMP indicates this period fell within the dry season, and the 30-days preceding the delineation were “dry” (below the 30-year normal range for the majority of the month).

**C. Additional comments to support AJD:**

The NRCS Web Soil Survey indicates that flooding frequency for the entire site is “None,” which means that flooding is not probable (the chance of flooding is nearly 0 percent in any year and flooding occurs less than once in 500 years). However, approximately 38 percent of the subject parcel is identified as Alden silt loam soils, which are very poorly drained.

The USFWS National Wetland Inventory Map indicates a perennial stream approximately 150 feet to the west of the subject parcel and a perennial stream approximately 150 feet north of the subject parcel on the northern side of NYS Route 59 (Nyack Turpike). These two perennial streams appear to flow northwest. The FEMA Flood Hazard Layer identifies the subject parcel as Zone X (area of minimal flood hazard). The Rockland County GIS identifies two small, unnamed tributaries within the subject property. The two-foot contour lines identify the site as sloping generally in a northern direction. The tributaries layer shows the perennial stream extending off-site and continuing north under NYS Route 59 (Nyack Turnpike) via a culvert.