



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): August 19, 2021
ORM Number: NAN-2021-00448-WRY
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location¹:
State/Territory: NY City: West Nyack County/Parish/Borough: Rockland County
Center Coordinates of Review Area: Latitude 41.092313 Longitude -73.980047

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

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

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
NAN-2021-00448-wetland1	0.0724 acres	(b)(1) Non-adjacent wetland	Wetland 1 was delineated using the 87 Manual/Regional Supplement and does not have a direct hydrologic surface water connection to an (a)(1)-(a)(4) water.

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: *“Figure 5: Delineation Drawing”* by EcoSciences, Inc. dated 26 JAN 2021.
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: Site Photos and Photo Location Map; 12 JUL 2021
- Corps Site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.
- Antecedent Precipitation Tool: *detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: NRCS Web Soil Survey GIS Data, Rockland County, 01 JUL 2021
- USFWS NWI maps: NY USGS Quadrangle Map; 26 JAN 2021
- USGS topographic maps: Rockland County GIS; 01 JUL 2021

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.
FEMA/FIRM maps	FEMA Flood Insurance Rate Map (FIRM) Panel No. 36087C0178G accessed 13AUG2021

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

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Severity Index (PDSI) and the University of Delaware WebWIMP. The latitude and longitude for the subject parcel was input into the APT and “single” point was chosen for the geographic area. Results are below:

Delineation Report Photograph Date 23OCT2020 (PDSI Class: Mild Drought, Season: Wet 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 wet season, and the 30-days preceding the delineation were “normal” (within 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). The FEMA Flood Hazard Layer identifies the subject parcel as Zone X (area of minimal flood hazard). Additionally, the subject parcel is identified as a combination of Wethersfield gravelly silt loam and Wethersfield-Urban land complex soils, which are both well drained.

Rockland County GIS’s two-foot topographic contour lines indicate the site is generally flat, with a gradual slope toward the southeast. The USFWS National Wetland Inventory Map does not indicate any mapped streams or wetlands within the subject parcel. The nearest wetland is approximately 1,500 feet to the north. Wetland 1 lacks sufficient hydrologic connection to an (a)(1)-(a)(4) water and is, therefore, non-jurisdictional.

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