



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): March 24, 2021

ORM Number: NAN-2020-00228-WOR

Associated JDs: N/A

Review Area Location¹:

State/Territory: NY City: Pomona County/Parish/Borough: Rockland County

Center Coordinates of Review Area: Latitude 41.182544 Longitude -74.052604

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
Wetland	0.0724 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland was delineated using the 87 Manual/Regional Supplement and is physically contiguous to an intermittent, unnamed tributary to the South Branch Minisceongo Creek.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
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: *“Boundary & Topographic Survey Of 1540 Route 202 Located in Village of Pomona Town of Ramapo Rockland County, New York”, prepared by Sparaco & Youngblood, PLLC, dated November 14, 2019, and last revised February 19, 2021; ground level photographs dated February 20, 2020 and January 9, 2021; and data sheets dated September 1, 2019 and January 9, 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: *Google Earth aerial March 31, 2007. Ground level photographs dated February 20, 2020 and January 9, 2021.*

Corps Site visit(s) conducted on: *Date(s).*

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

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

USDA NRCS Soil Survey: *Generated at USDA Web Soil Survey website on August 26, 2020..*

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

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

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	N/A.

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- B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.
- The antecedent precipitation tool (APT) was run for the aerial photograph, dated March 31, 2007. The APT for that date indicates that precipitation conditions were normal.
 - The consultant provided wetland data sheets created in the field on September 1, 2019 and January 9, 2021. The APT for September 1, 2019 indicates that precipitation conditions were drier than normal. The APT for January 9, 2021 indicates that precipitation conditions were wetter than normal.
 - The consultant provided color, ground level photographs taken during field visits on February 20, 2020 and January 9, 2021. The APT for February 20, 2020 indicates that precipitation conditions were normal. The APT for January 9, 2021 indicates that precipitation conditions were wetter than normal.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.
- The aerial photograph taken on March 31, 2007 shows the wetland and the stream.
 - The consultant-provided data sheets and color photographs appear to support the mapped limits of the waters on site.

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