



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-2020-00711-WRY

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 41.165572 Longitude -74.073917

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
NAN-2020-00711-Wetland A	0.44 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A, delineated using the 1987 Corps of Engineers Wetland Delineation Manual/Regional

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

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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.

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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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			Supplement, contributes hydrologic surface water to a perennial, unnamed tributary to the Mahwah River via topographic depressions.
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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-2020-00711-Wetland B	0.27 acres	(b)(1) Non-adjacent wetland	Wetland B, delineated using the 1987 Corps of Engineers Wetland Delineation Manual/Regional Supplement, was not identified to be hydrologically connected to an (a)(1)-(a)(3) water. Wetland B is not located within a 100-year floodplain. Wetland B is located approximately 500 linear feet from and 26 feet higher in elevation than the jurisdictional wetland at 25 Onderdonk Road, 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: *Wetland Delineation Report AMS Wesley Hills Subdivision by Paulus, Sokolowski & Sartor Engineering P.C. (PS&S), dated 08 JUL 2020.*

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

Rationale: *The initial submission received by this office did not clearly represent the conditions of the project site. The delineation included 5-foot topographic indicators rather than the standard 2-foot interval. Additionally, the delineated wetlands appeared to continue off the property in question, but conditions were not depicted beyond the property line. As such, the jurisdictional status of the wetland areas in question could not be determined by the materials provided and additional information was requested. A revised wetland delineation map entitled, "Boundary and Topographic Survey, AMS Acquisitions," prepared by Stonefield Engineering and Design, dated February 24, 2020 and last revised on August 26, 2020 indicate the requested 2-foot topographic interval and complete wetland delineation. The revised map is sufficient for the purposes of this AJD.*

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

Photographs, *aerial and other: AMS Wesley Hills Subdivision Photo Location Map and Photo Log, by PS&S Engineering dated 18 MAY 2020*

____ 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: *NRCS Web Soil Survey GIS Data, Rockland County, 30 SEP 2020*

USFWS NWI maps: *Thiells, NY, 19 JAN 2020*

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X USGS topographic maps: *Thiells, NY USGS Quadrangle Map, 22 OCT 2020*

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.
CorpsMap ORM Map Layers	Regulatory ORM Project Locations and ORM Aquatic Resources accessed 19JAN2020.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	FEMA Flood Insurance Rate Map (FIRM) Panel No. 36087C0087G accessed 19JAN2020

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 of the subject parcel was input into the APT and “single” point was chosen for the geographic area. Results are below:

Delineation Report Photograph Date 08JUL2020 (PDSI Class: Mild Drought, Season: Dry Season, ARC Score: 10, 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).
The USFWS National Wetland Inventory Map indicates a perennial stream approximately 500 feet south-southwest of Wetland A.
The FEMA Flood Hazard Layer identifies the subject parcel as Zone X (area of minimal flood hazard). No hydrologic surface water connection was located to connect Wetland B with any adjacent wetlands or (a)(1)-(a)(3) waters. A recent jurisdictional determination and Nationwide Permit #29 verification,

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NAN-2015-00828 and NAN-2020-00937, determined the presence of two jurisdictional wetlands present at 25 Onderdonk Road, Wesley Hills, Rockland County, New York. This property is located to the north of the subject property and wetlands are approximately 500 feet from the northern toe of Wetland B. In light of this information, no surface water connections were identified between Wetland B and those wetlands present at 25 Onderdonk Road. A single stormwater drain located at the northern toe of Wetland B was located; however, this drain appears to connect to the local drainage system, with no apparent discharge into an (a)(1) –(a)(4) water. Additionally, Google Earth 3D was utilized to virtually view the area between these two properties. Street view images showed a paved pedestrian walkway through the area connecting the eastern end of Powder Horn Drive to the western end of Buena Vista Road, as shown on the attached “Google Earth Street Views_NAN-2020-00711-WRY.” This pavement would have severed any surface water connection that may have historically been present between Wetland B and those wetlands at 25 Onderdonk Road.

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