

Appendix P  
Jurisdictional Determination



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK, NEW YORK 10278-0090

FEB 01 2019

Regulatory Branch

SUBJECT: Jurisdictional Determination for Permit Application Number NAN-2017-01267-EME by New York State Department of Parks, Recreation and Historic Preservation for work at Hempstead Lake State Park, in Hempstead Lake and Northern Ponds, in the Town of Hempstead, Nassau County, New York.

NYS Office of Parks, Recreation & Historic Preservation  
Attn: Scott Fish, Regional Capital Program Facilities Manager  
P.O. Box 247  
Babylon, NY 11702

Dear Mr. Fish:

On November 14, 2018, the New York District of the U.S. Army Corps of Engineers received a request for a Department of the Army jurisdictional determination for the Rebuild by Design: Living with the Bay-Hempstead Lake State Park project. This request was made by the New York Governor's Office of Storm Recovery (GOSR), as a representative for NYS Office of Parks, Recreation & Historic Preservation (NYS Parks), and by Cashin Associates, P.C., NYS Parks duly authorized agent. The site consists of approximately 100-acres, in the Town of Hempstead, Nassau County, New York. The proposed project would improve storm water and flood resiliency, construct water treatment measures, and improve public waterfront access.

In an email dated November 14, 2018, the GOSR submitted a proposed delineation of the extent of waters of the United States within the project boundary. A site inspection was conducted by representatives of this office on December 4, 2018, in which it was agreed that changes would be made to the delineation and that the modified delineation would be submitted to this office. On January 25, 2019, this office received the final modified delineation.

The USACE concurs with the delineation report titled "Hempstead Lake State Park, Northeast and Northwest Pond Rehabilitation and Enhancement Project: Wetland Delineation", prepared by Bay Environmental Consulting, LLC, for Cashin Associates, P.C., dated January 24, 2019.

Based on the material submitted and the observations of the representatives of this office during the site visit, this site has been determined to contain jurisdictional waters of the United States based on: the presence of wetlands determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology according to criteria established in the 1987 "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1 that are either adjacent to or part of a tributary system; the presence of a defined water body (e.g. stream channel, lake, pond, river, etc.) which is

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part of a tributary system; and the fact that the location includes property below the ordinary high water mark, high tide line or mean high water mark of a water body as determined by known gage data or by the presence of physical markings including, but not limited to, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris or other characteristics of the surrounding area.

These jurisdictional waters of the United States are shown on the drawings entitled "Hempstead Lake State Park Northeast and Northwest Pond Rehabilitation and Enhancement Project: Wetland Delineation" location map, key map, Maps 2-8, Map 1A (sheets 1-2), and Map 1B (sheets 1-10), copy enclosed. These drawings indicate that there are twenty-four (24) principal aquatic features on the project site which are part of a tributary system, and are considered to be waters of the United States. The enclosed table titled "Hempstead Lake Wetlands – Delineation Acreage Table" describes the type, acres and location of each aquatic feature.

This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This determination was documented using the Interim Approved Jurisdictional Determination Form, promulgated by the Corps of Engineers on October 1, 2015. A copy of that document is enclosed with this letter, and will be posted on the New York District website at:

<http://www.nan.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations/RecentJurisdictionalDeterminations.aspx>

This delineation/determination has been conducted to identify the limits of the Corps Section 404 Clean Water Act jurisdiction for the particular site identified in this request. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a combined Notification of Appeal Process (NAP) and Request For Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

James W. Haggerty, Regulatory Program Manager, CENAD-PD-OR  
North Atlantic Division, U.S. Army Engineer Division  
Fort Hamilton Military Community  
General Lee Avenue, Building 301  
Brooklyn, New York 11252-6700

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In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by APR 0 1 2019. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

If any questions should arise concerning this matter, please Ms. Lisa Grudzinski, of my staff, at (917) 790-8428 or at [lisa.a.grudzinski@usace.army.mil](mailto:lisa.a.grudzinski@usace.army.mil).

Sincerely,

  
Ronald R. Pinzon  
Chief, Eastern Section

Enclosures

Copies Furnished:

Governor's Office of Storm Recovery, Attn: Matt Accardi  
Cashin Associates, P.C., Attn: Nancy Lenz

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: NYS Office of Parks, Recreation & Historic Preservation	File Number: NAN-2017-01267-EME	Date: <b>FEB 01 2019</b>
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:  
Mr. Stephan A. Ryba  
Chief, Regulatory Branch (CENAN-OP-R)  
NY District, U.S. Army Corps of Engineers  
26 Federal Plaza, Room 1937  
New York, NY 10278-0090  
Telephone number: 917-790-8512

If you only have questions regarding the appeal process you may also contact:  
James W. Haggerty, Regulatory Program Manager  
North Atlantic Division, U.S. Army Engineer Division  
Fort Hamilton Military Community  
General Lee Avenue, Building 301  
Brooklyn, NY 11252-6700  
Telephone number: (347) 370-4650

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:



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## Regulatory Program



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### **INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in the Interim Approved Jurisdictional Determination Form User Manual.

#### **SECTION I: BACKGROUND INFORMATION**

**A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD):**

**FEB 01 2019**

**B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ):** NAN-2017-01267-EME (Hempstead Lake State Park-Governor's Office of Storm Recovery (GOSR))

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: NY County/parish/borough: Nassau

City: Rockville Center

Center coordinates of site (lat/long in degree decimal format): Lat. 40.68802, Long. -73.64036.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are:  attached  in report/map titled "Hempstead Lake State Park Northeast and Northwest Pond Rehabilitation and Enhancement Project: Wetland Delineation", dated December 2018 and revised January 24, 2019, prepared by Cashin Associates, P.C..

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1):

**D. REVIEW PERFORMED FOR SITE EVALUATION:**

Office (Desk) Determination Only. Date:

Office (Desk) and Field Determination. Office/Desk Dates: October 10, 2018 Field Date(s): December 4, 2018.

#### **SECTION II: DATA SOURCES**

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: "Hempstead Lake State Park Northeast and Northwest Pond Rehabilitation and Enhancement Project: Wetland Delineation" location map, key map, Maps 2-8, Map 1A (sheets 1-2), and Map 1B (sheets 1-10).

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: "Hempstead Lake State Park" sheets U1-U16, dated October 11, 13, 17, 20, 23, 26, 2017, November 21, 2017, and December 5, 2018; sheets W1-25, dated October 11, 13, 18, 20, 23, 26, 2017, and December 5, 2018.

Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon:

Revised Title/Date:

Data sheets prepared by the Corps. Title/Date:

Corps navigable waters study. Title/Date:

CorpsMap ORM map layers. Title/Date:

USGS Hydrologic Atlas. Title/Date:

USGS, NHD, or WBD data/maps. Title/Date:

USGS 8, 10 and/or 12 digit HUC maps. HUC number:

USGS maps. Scale & quad name and date: Topographic Maps on-line.

USDA NRCS Soil Survey. Citation: NRCS Custom Soil Resource Report for Nassau County, New York, Hempstead Lake State Park, dated October 24, 2017.

USFWS National Wetlands Inventory maps. Citation: US Fish and Wildlife Service, National Wetlands Inventory Map (produced by the on-line NWI mapper).

- State/Local wetland inventory maps. Citation: New York State Department of Environmental Conservation Freshwater Wetlands produced by ESRI).
- FEMA/FIRM maps. Citation:
- Photographs:  Aerial. Citation: Google Earth Image date September 27, 2017. or  Other. Citation: Color photographs of the study area, unknown date.
- LiDAR data/maps. Citation:
- Previous JDs. File no. and date of JD letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

**SECTION III: SUMMARY OF FINDINGS**

Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Water Droplet Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required

**A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:**

"navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

• **Complete Table 1 - Required**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

**B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. Check all that apply.**

(a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

• **Complete Table 1 - Required**

This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

(a)(2): All interstate waters, including interstate wetlands.

• **Complete Table 2 - Required**

(a)(3): The territorial seas.

• **Complete Table 3 - Required**

(a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

• **Complete Table 4 - Required**

(a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 5 - Required**

(a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

• **Complete Table 6 - Required**

Bordering/Contiguous.

Neighboring:

(c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

(c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

(c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

(a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
  - **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

**C. NON-WATERS OF THE U.S. FINDINGS:**

**Check all that apply.**

- The review area is comprised entirely of dry land.
- Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
  - **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
  - **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
  - **Complete Table 10 - Required**
  - (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
  - (b)(2): Prior converted cropland.
  - (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
  - (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
  - (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
  - (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
  - (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
  - (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.<sup>1</sup>
  - (b)(4)(iv): Small ornamental waters created in dry land.<sup>1</sup>
  - (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
  - (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.<sup>1</sup>
  - (b)(4)(vii): Puddles.<sup>1</sup>
  - (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.<sup>1</sup>
  - (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.<sup>1</sup>
  - (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water

<sup>1</sup> In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

distributary structures built for wastewater recycling.

- Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

- **Complete Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD: The Northeast Pond has a surface hydrolog connection to the Northwest Pond. The Northwest Pond flows underneath a culvert in the southwest corner, underneath the Southern State Parkway, and into Hempstead Lake. Hempstead Lake flows through the dam/culvert underneath the gate house on the southern shore of the lake, and into South Pond (note: there is no connection with McDonald Pond, which is not included in the wetland delineation or this jurisdictional determination). South Pond discharges through a culvert on the south shore of the pond, has a surface connection with culverts underneath Peninsula and Lakeview Roads, and discharges into Smith Pond. Smith Pond discharges through a culvert on the south side of the pond, underneath the Sunrise Highway (Hwy 27), and discharges into Mill River. Mill River is subject, in part, to the ebb and flood of the tide. Mill River maintains a surface connection from the culvert underneath the Sunrise Highway and flows into Hempstead Bay (a traditional navigable water).

Hempstead Bay, Mill River, and Smith Pond are not within the delineated area

This Jurisdictional Determination covers South Pond, Hempstead Lake, Northwest Pond, Northeast Pond, and their adjacent waters.

Jurisdictional Waters of the U.S.

**Table 1. (a)(1) Traditional Navigable Waters**

<b>(a)(1) Waters Name</b>	<b>(a)(1) Criteria</b>	<b>Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.</b>
N/A	Choose an item.	N/A

**Table 2. (a)(2) Interstate Waters**

<b>(a)(2) Waters Name</b>	<b>Rationale to Support (a)(2) Designation</b>
N/A	N/A

**Table 3. (a)(3) Territorial Seas**

<b>(a)(3) Waters Name</b>	<b>Rationale to Support (a)(3) Designation</b>
N/A	N/A

**Table 4. (a)(4) Impoundments**

<b>(a)(4) Waters Name</b>	<b>Rationale to Support (a)(4) Designation</b>
South Pond (WAA-8, 10)	South Pond appears to be an impoundment of Mill River, a tributary of Hempstead Bay, with a dam/culvert located on both the southern and northern shores of the Pond.
Hempstead Lake (WAA-5, 6, 7)	Hempstead Lake appears to be an impoundment of Mill River, above South Pond, with a dam on the southern shore of the Lake.

**Table 5. (a)(5) Tributaries**

<b>(a)(5) Waters Name</b>	<b>Flow Regime</b>	<b>(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows</b>	<b>Tributary Breaks</b>	<b>Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.</b>
Shodack Brook (WAA-9)	Intermittent	South Pond/Mill River	No	Shodack Brook has a OWHM, and surface flow discharges into South Pond/Mill River, which discharges into Hempstead Bay.

**Table 6. (a)(6) Adjacent Waters**

<b>(a)(6) Waters Name</b>	<b>(a)(1)-(a)(5) Water Name to which this Water is Adjacent</b>	<b>Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.</b>
Northeast Pond	Hempstead Lake	Northeast Pond (WAA-1-OW1) has a clearly defined OHWM and includes a mosaic of open water, emergent wetlands, scrub shrub wetlands, and forested wetlands, which were delineated using the 87' Manual/Northeast Regional Supplement. Adjacent waters also include the following aquatic features within or abutting its OHWM: WAA-1-E1, WAA-1-E2, WAA-1-E3, WAA-2-E1, WAA-2-E2, WAA-2-F1, WAA-3-SS1, and WAA-3-SS2. Aquatic feature WAA-2-F2 is a 'neighboring' water of WAA-1-OW1, located behind a berm, with approximately 95% of the feature within 100-feet of the OHWM. Northeast Pond (WAA-1-OW1) appears to have historically been the same features as Hempstead Lake/Mill River, but segregated as a result of the construction of the Garden State Highway. Northeast Pond (WAA-1-OW1) has a surface connection in two locations with Northwest Pond (contiguous feature), which has a surface connection with Hempstead Lake.
Northwest Pond  (NW Pond, continued)	Hempstead Lake	Northwest Pond (WAA-4-OW1) has a clearly defined OHWM and includes a mosaic of open water, emergent wetlands and scrub shrub wetlands, which were delineated using the 87' Manual/Northeast Regional Supplement. Adjacent waters also include the following aquatic features within or abutting its OHWM: WAA-4-E1, WAA-4-E2, WAA-4-E3, WAA-4-E4, WAA-4-E5, WAA-4-E6, WAA-4-SS1, WAA-4-SS2, WAA-4-SS3, and WAA-4-SS4. Northwest Pond (WAA-4-OW1) appears to have historically been the same features as Hempstead Lake/Mill River, but segregated as a result of the construction of the Garden State Highway. Northwest Pond (WAA-4-OW1) has a surface connection with Hempstead Lake, through an arch culvert in the southwest corner.

**Table 7. (a)(7) Waters**

<b>SPOE Name</b>	<b>(a)(7) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus</b>	<b>Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.</b>
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

**Table 8. (a)(8) Waters**

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

**Non-Jurisdictional Waters**

**Table 9. Non-Waters/No Significant Nexus**

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

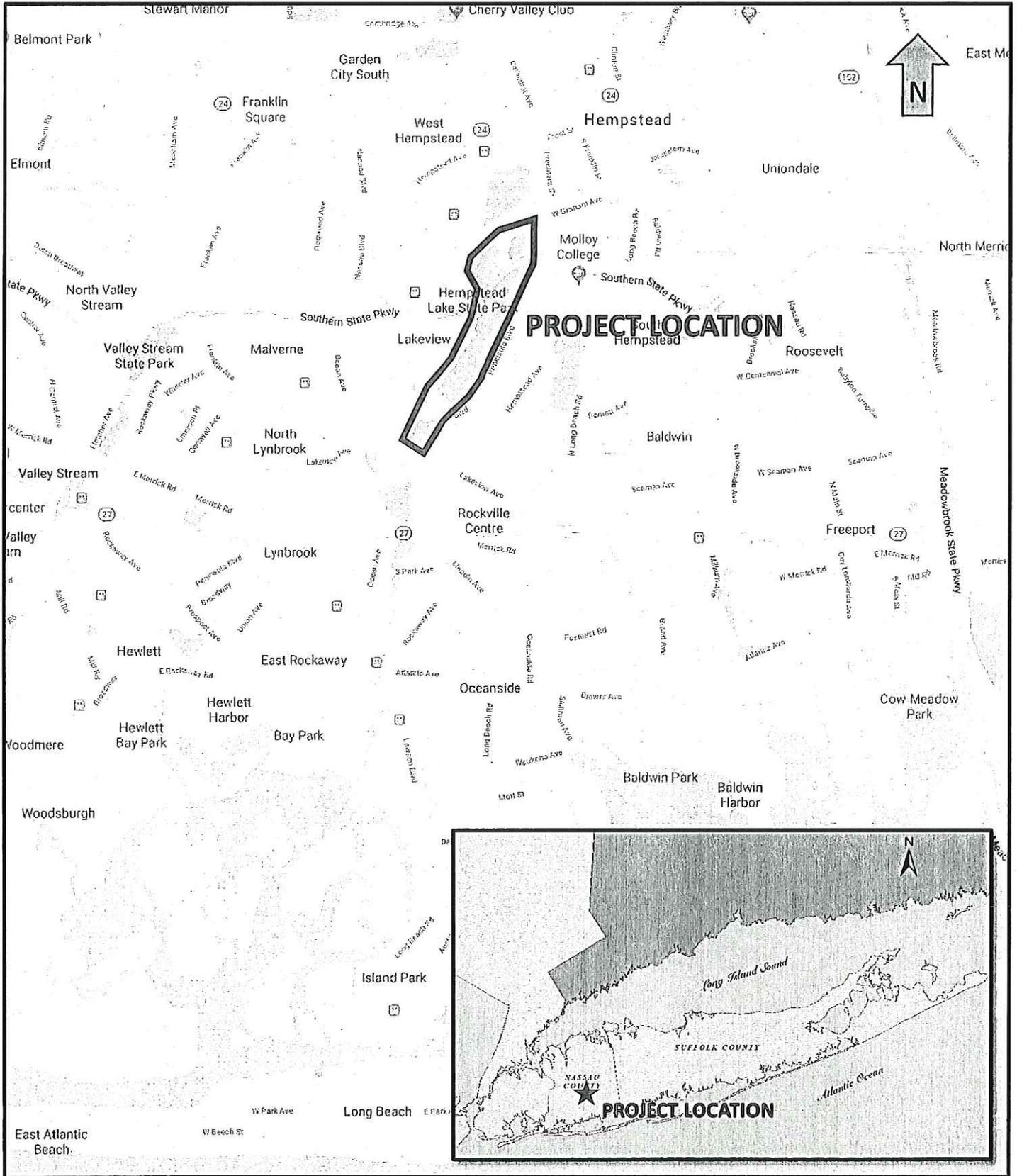
**Table 10. Non-Waters/Excluded Waters and Features**

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
N/A	N/A
N/A	N/A

**Table 11. Non-Waters/Other**

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A

Waters_Name	State	Cowarc Meas	Ty Amount	Units	Waters_Type	Latitude	Longitude	Local Waterway	Ohw Ohwr
2017-01267-WAA-1-E1	NY	L2EM-LAREA	0.53	ACRES	A6BWB	40.69049	-73.63484	Hempstead Lake	
2017-01267-WAA-1-E2	NY	L2EM-LAREA	0.43	ACRES	A6BWB	40.69127	-73.6375	Hempstead Lake	
2017-01267-WAA-1-E3	NY	L2EM-LAREA	0.03	ACRES	A6BWB	40.68915	-73.6379	Hempstead Lake	
2017-01267-WAA-1-OW1	NY	L2OW-LAREA	20.9	ACRES	A6BOHWM	40.69119	-73.63679	Hempstead Lake	YES
2017-01267-WAA-2-E1	NY	L2EM-LAREA	0.16	ACRES	A6BWB	40.69424	-73.63444	Hempstead Lake	
2017-01267-WAA-2-E2	NY	L2EM-LAREA	0.09	ACRES	A6BWB	40.69397	-73.6337	Hempstead Lake	
2017-01267-WAA-2-F1	NY	L2-LAC AREA	1.96	ACRES	A6BWB	40.69385	-73.63427	Hempstead Bay	
2017-01267-WAA-2-F2	NY	L2-LAC AREA	0.05	ACRES	A6N1WB	40.69312	-73.63447	Hempstead Bay	
2017-01267-WAA-3-SS1	NY	L2-LAC AREA	1.02	ACRES	A6BWB	40.69239	-73.63878	Hempstead Lake	
2017-01267-WAA-3-SS2	NY	L2-LAC AREA	1.3	ACRES	A6BWB	40.69334	-73.636	Hempstead Lake	
2017-01267-WAA-4-E1	NY	L2EM-LAREA	4.29	ACRES	A6BWB	40.68887	-73.64197	Hempstead Lake	
2017-01267-WAA-4-E2	NY	L2EM-LAREA	10.34	ACRES	A6BWB	40.69036	-73.64027	Hempstead Lake	
2017-01267-WAA-4-E3	NY	L2EM-LAREA	3.08	ACRES	A6BWB	40.6864	-73.64126	Hempstead Lake	
2017-01267-WAA-4-E4	NY	L2EM-LAREA	0.3	ACRES	A6BWB	40.68653	-73.64167	Hempstead Lake	
2017-01267-WAA-4-E5	NY	L2EM-LAREA	0.04	ACRES	A6BWB	40.68642	-73.64115	Hempstead Lake	
2017-01267-WAA-4-E6	NY	L2EM-LAREA	0.04	ACRES	A6BWB	40.69136	-73.63844	Hempstead Lake	
2017-01267-WAA-4-OW1	NY	L2OW-LAREA	9.45	ACRES	A6BOHWM	40.68761	-73.64112	Hempstead Lake	YES
2017-01267-WAA-4-SS1	NY	L2-LAC AREA	0.67	ACRES	A6BWB	40.68973	-73.64174	Hempstead Lake	
2017-01267-WAA-4-SS2	NY	L2-LAC AREA	0.73	ACRES	A6BWB	40.69013	-73.64148	Hempstead Lake	
2017-01267-WAA-4-SS3	NY	L2-LAC AREA	0.95	ACRES	A6BWB	40.68877	-73.6397	Hempstead Lake	
2017-01267-WAA-4-SS4	NY	L2-LAC AREA	0.16	ACRES	A6BWB	40.69121	-73.63851	Hempstead Lake	
2017-01267-WAA-5, 6, 7	NY	L1-LAC AREA	125.9	ACRES	A4	40.67887	-73.64451	Mill River	
2017-01267-WAA-8, 10	NY	L1OW-LAREA	24.33	ACRES	A4	40.66748	-73.65177	Mill River	
2017-01267-WAA-9	NY	R1SB-R AREA	0.61	ACRES	A5	40.67043	-73.65173	Hempstead Lake	YES YES



NOT TO SCALE

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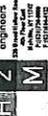


**Parks, Recreation  
and Historic Preservation**

**HEMPSTEAD LAKE STATE PARK  
LOCATION MAP**



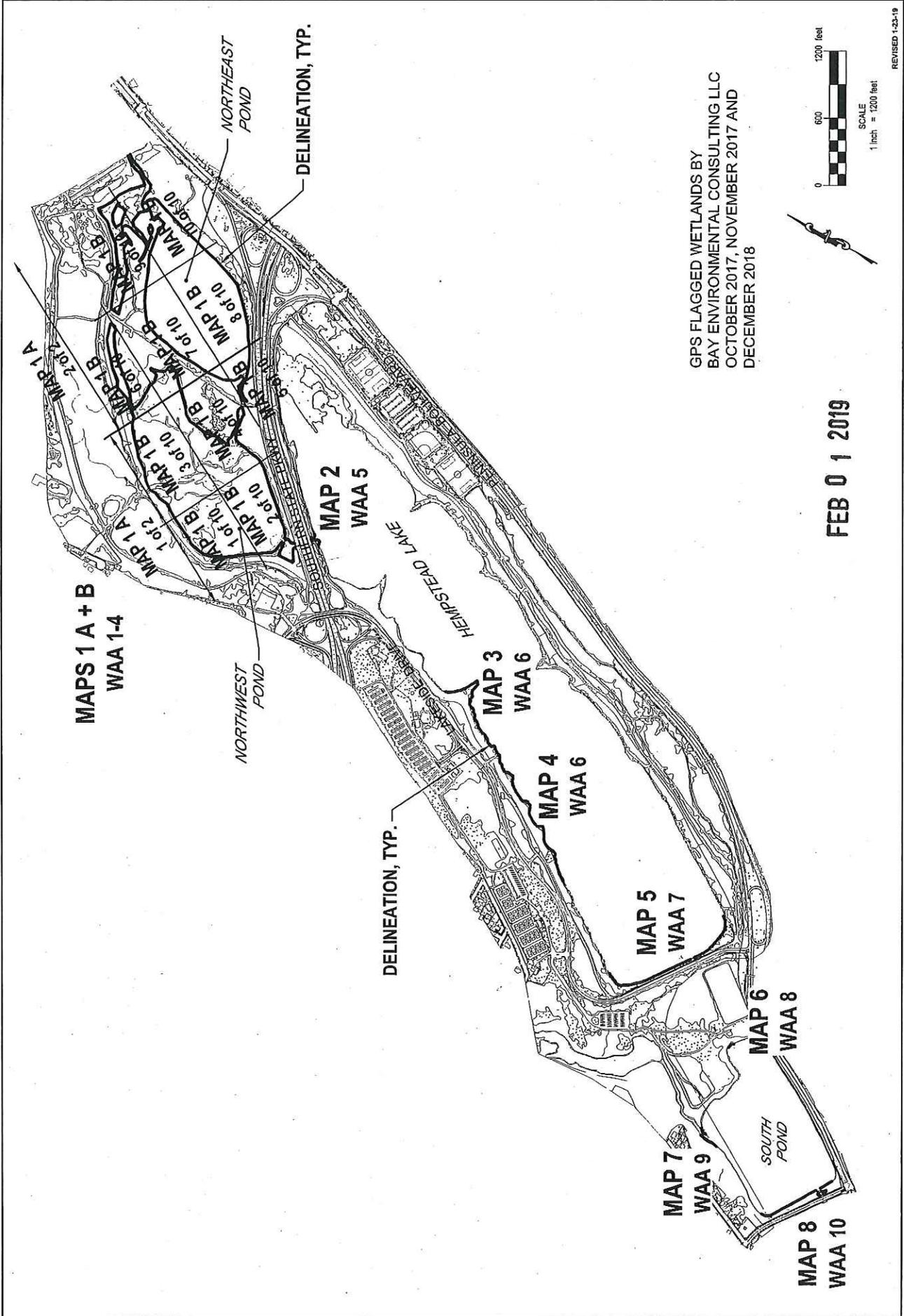




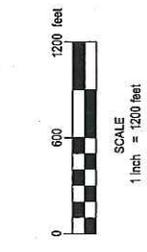


Project: GPS FLAGGED WETLANDS BY BAY ENVIRONMENTAL CONSULTING LLC  
 Date: OCTOBER 2017, NOVEMBER 2017 AND DECEMBER 2018  
 Project No: 17010011211

**KEY MAP**  
 SHEET NO.



GPS FLAGGED WETLANDS BY  
 BAY ENVIRONMENTAL CONSULTING LLC  
 OCTOBER 2017, NOVEMBER 2017 AND  
 DECEMBER 2018

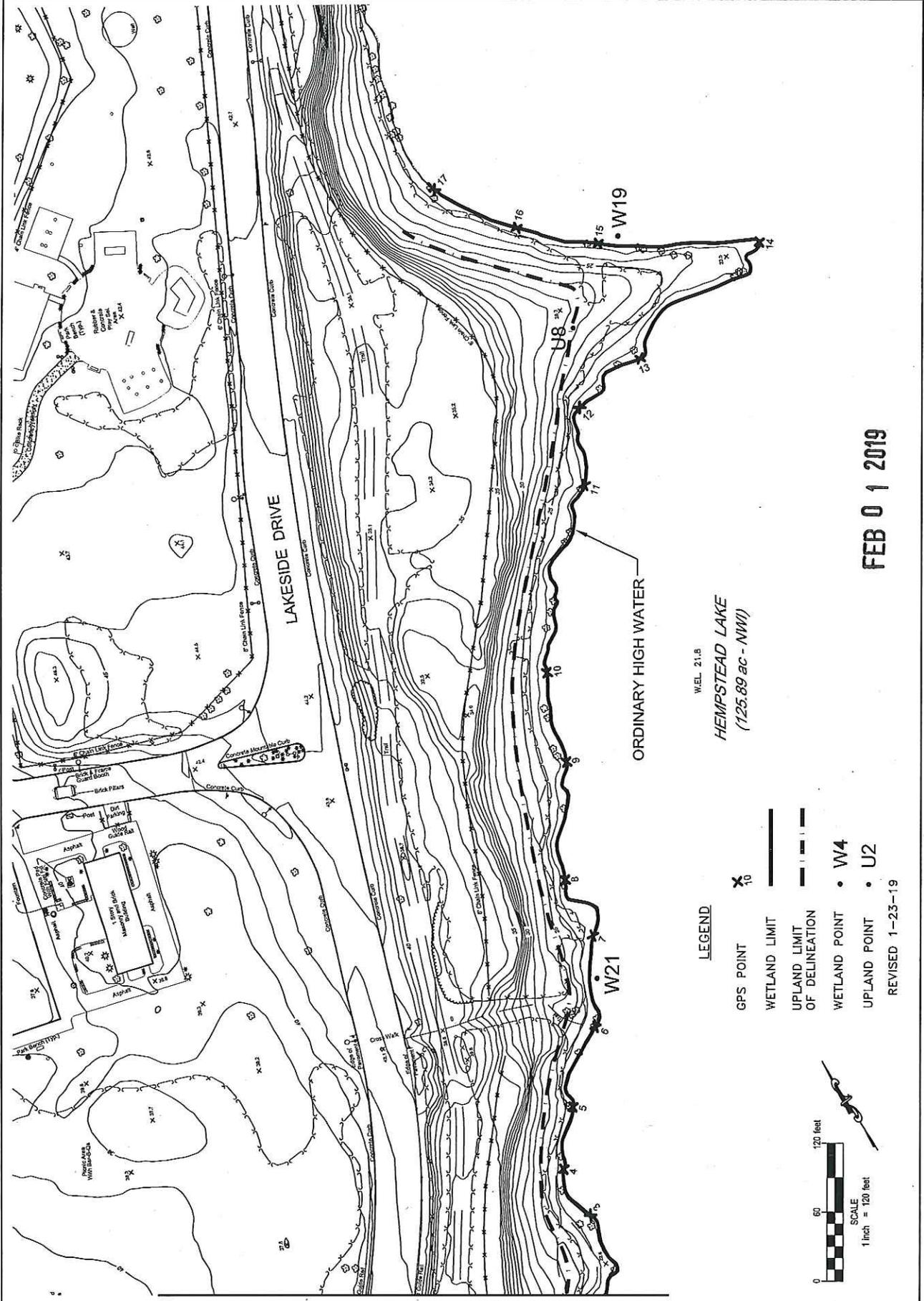


**FEB 0 1 2019**

REVISED 1-23-19



			HEMPSTEAD LAKE STATE PARK PROJECT # 105-1402 DATE: DECEMBER 2018 DRAWN BY: [Name] CHECKED BY: [Name]
GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT	PERFECT RECREATION STATE WETLAND PRESERVATION	HEMPSTEAD LAKE STATE PARK 125-89 ac - NW1/4	HEMPSTEAD LAKE STATE PARK MAP # 3

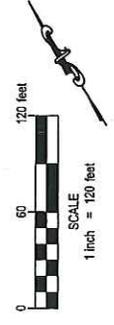


FEB 01 2019

W.E.L. 21.8  
**HEMPSTEAD LAKE**  
 (125-89 ac - NW1/4)

**LEGEND**

- GPS POINT
  - WETLAND LIMIT
  - UPLAND LIMIT OF DELINEATION
  - WETLAND POINT • W4
  - UPLAND POINT • U2
- REVISED 1-23-19








City of Hempstead  
 Planning, Recreation  
 & Environmental  
 Services

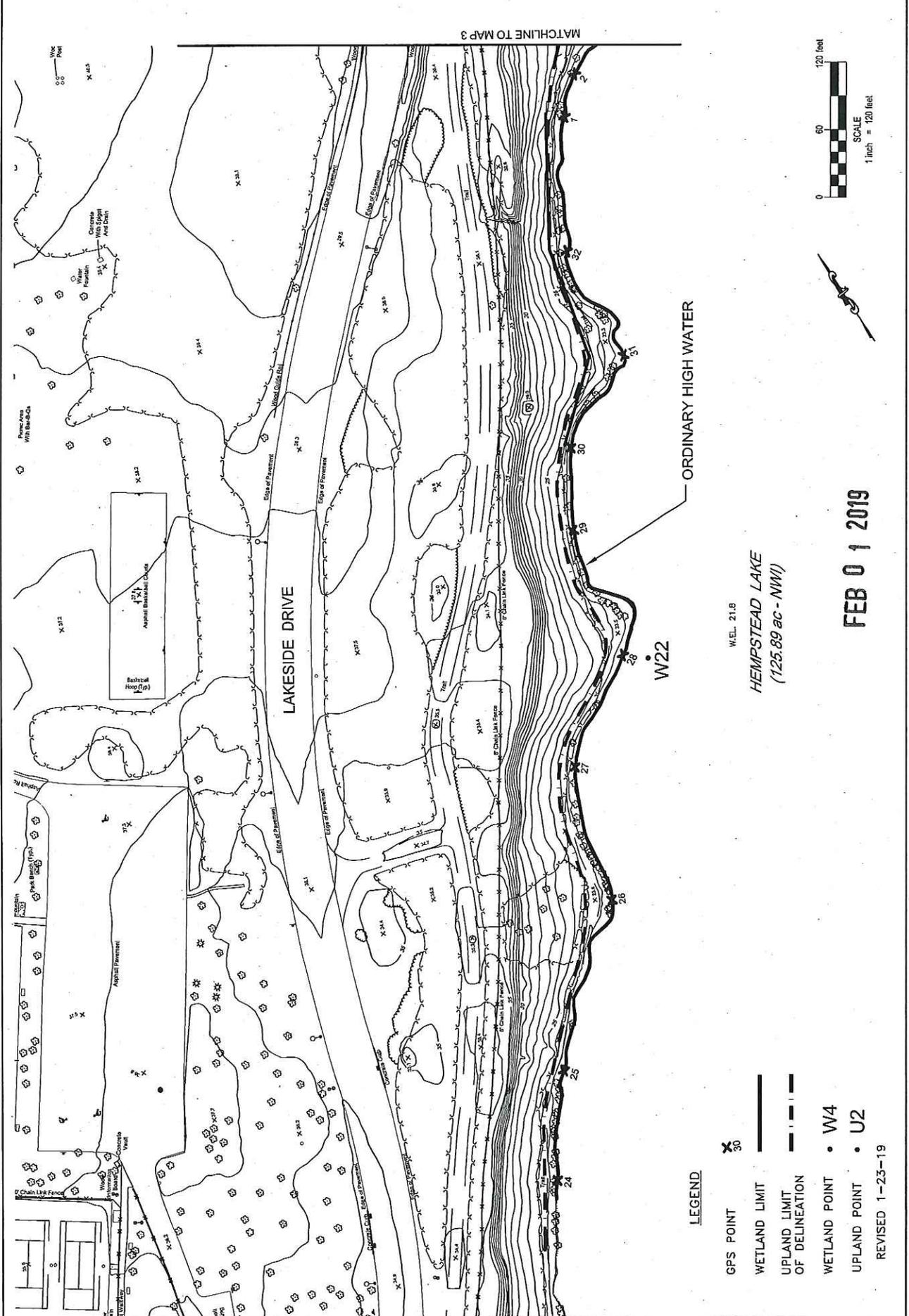
Stantec  
 engineers + architects  
 1000 Old Country Road  
 Suite 200  
 Great Neck, NY 11021

KKB  
 CONSULTANTS  
 1000 Old Country Road  
 Suite 200  
 Great Neck, NY 11021

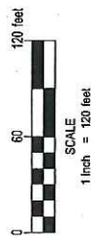
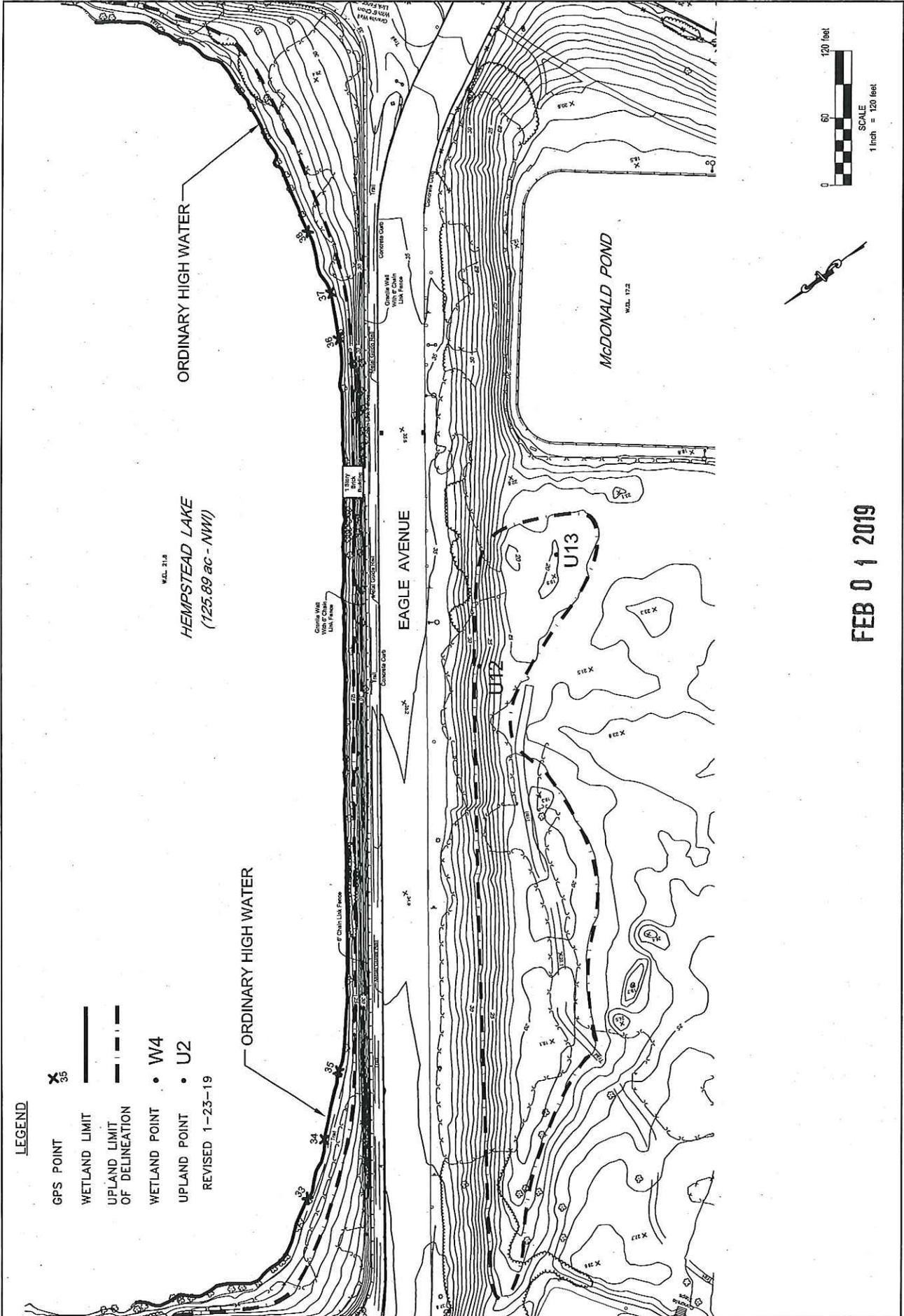
PROJECT: W22  
 DATE: DECEMBER 2019  
 SHEET: 1-23-19

HEMPSTEAD LAKE  
 STATE PARK  
 Project Title

HEMPSTEAD LAKE - WEST  
 SHORELINE  
 WAA 6  
 MAP 4

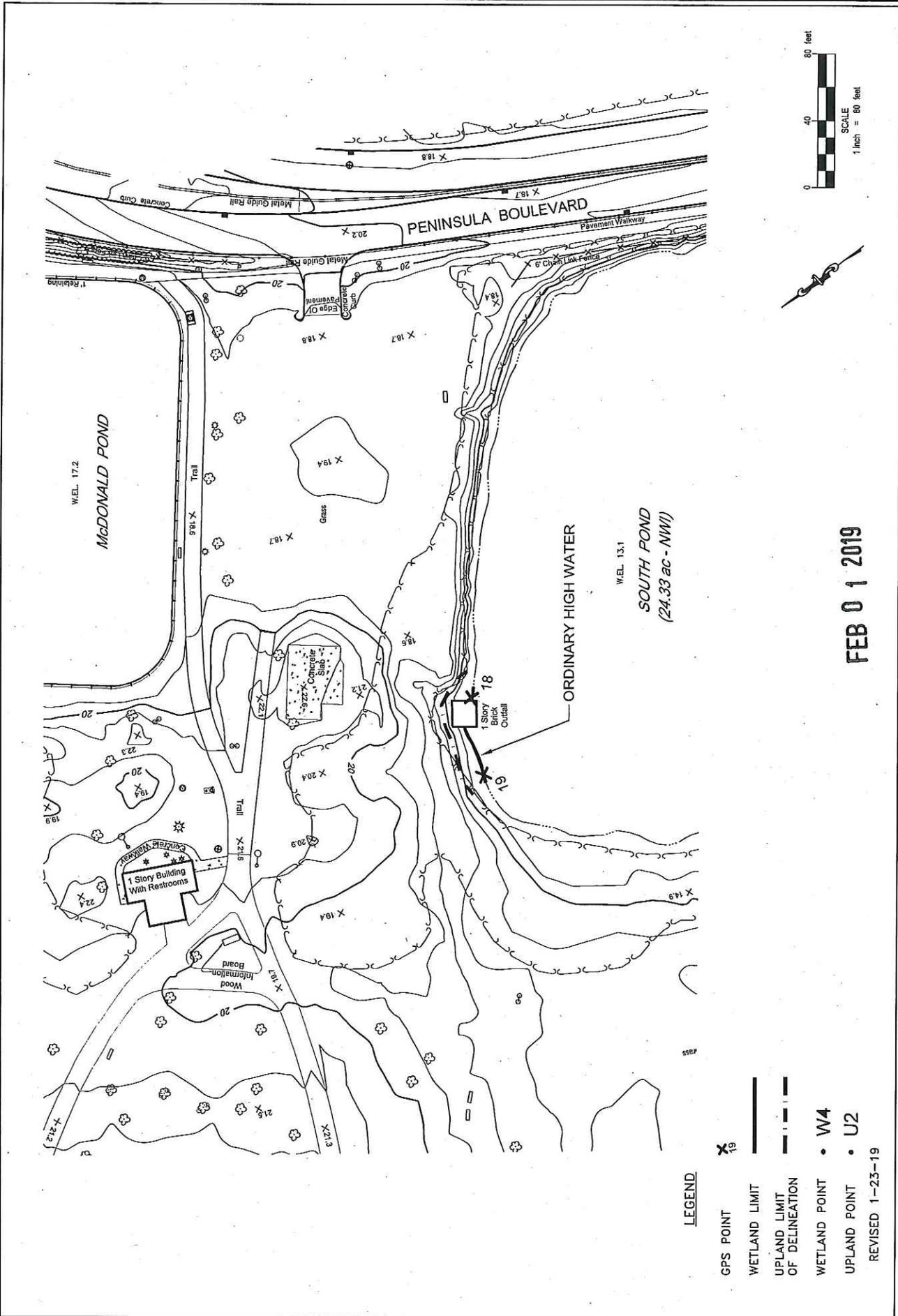


Livingston Bay Environmental Services	Stantec 2000 Lakeside Drive Irvine, CA 92618	LKB Landscape Architecture	Professional Engineer License No. 12345 State of California



FEB 01 2019

PROJECT: HEMPSTEAD LAKE DAM  
 SHEET: WAA 7  
 MAP 5

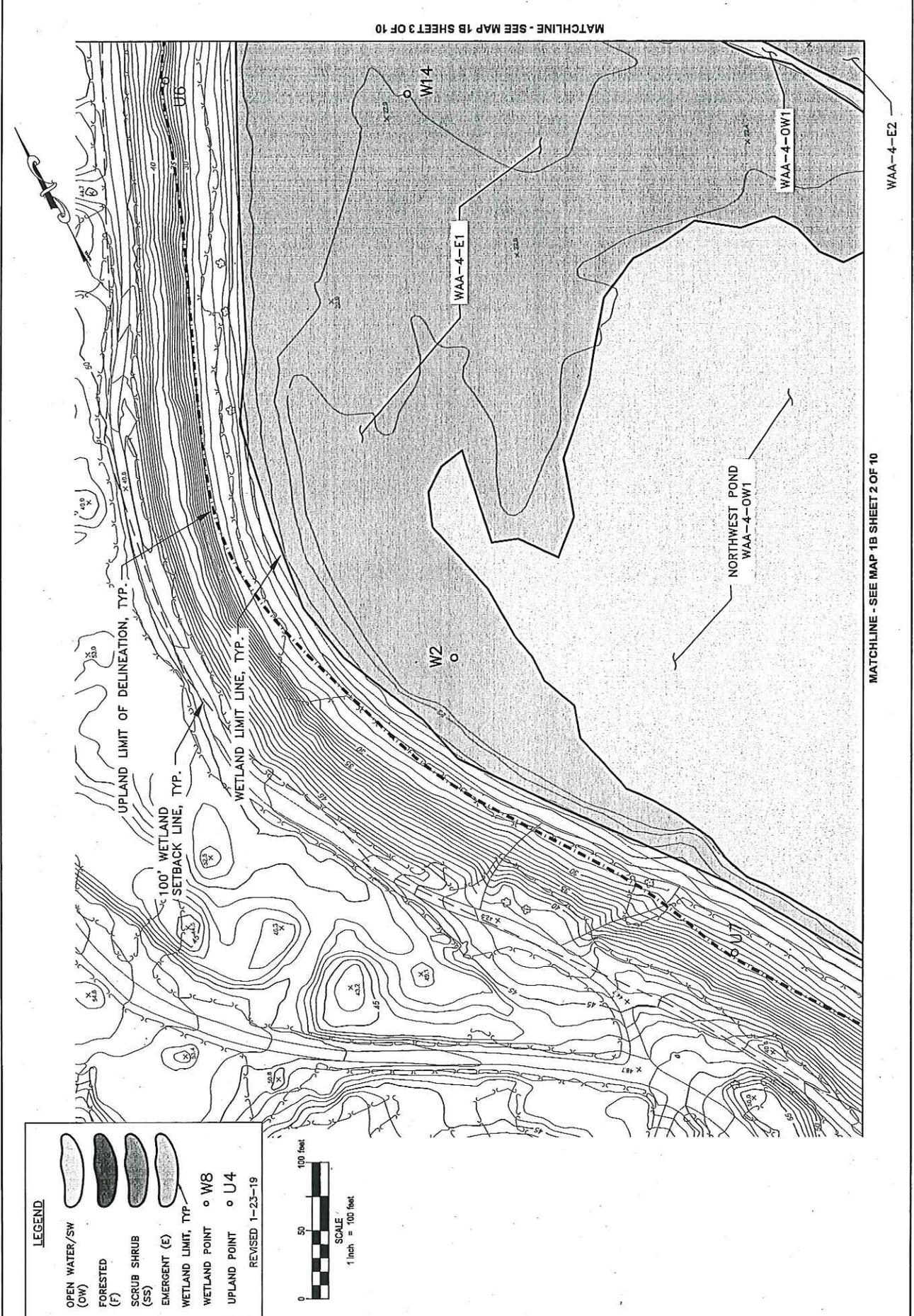












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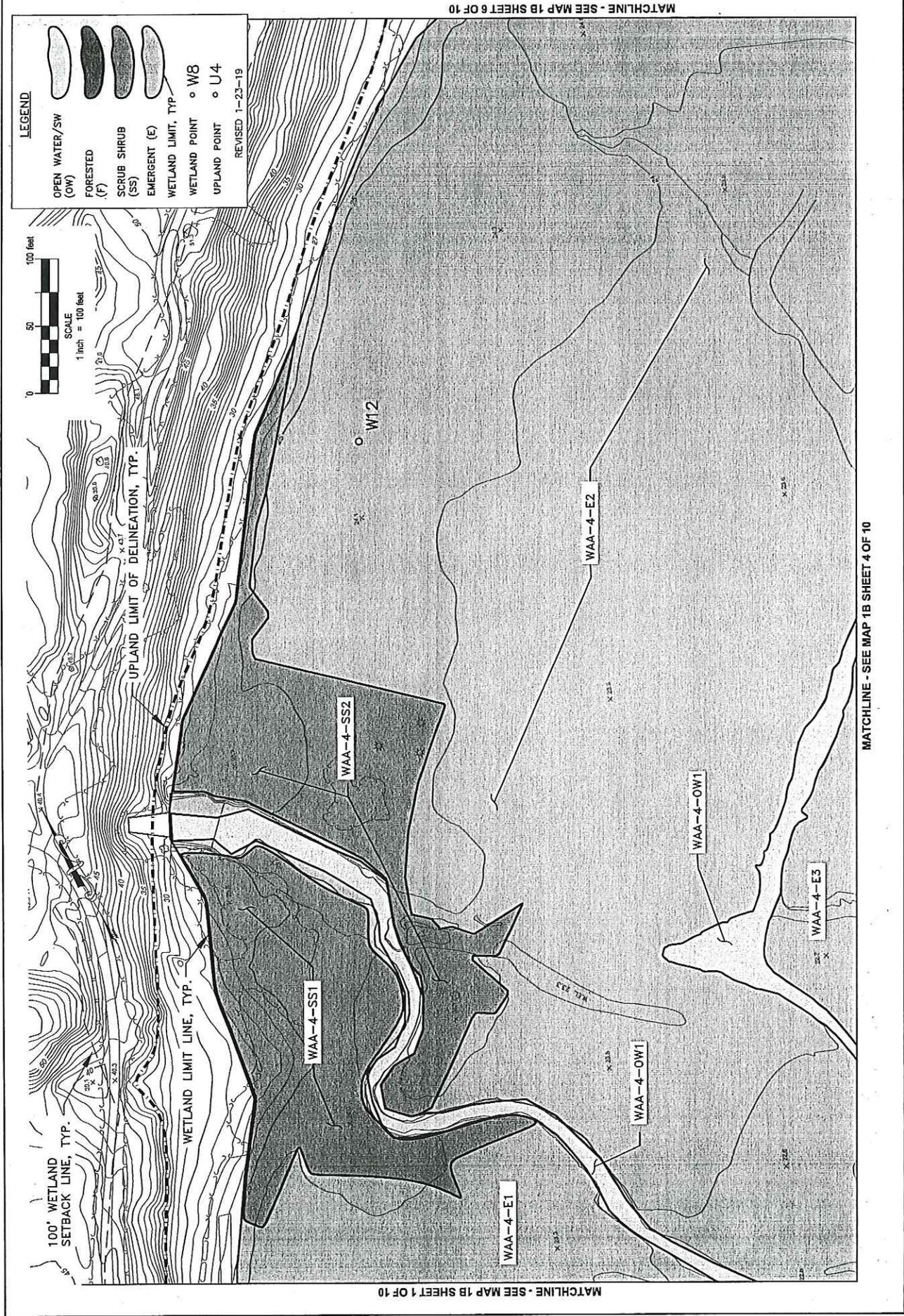









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 PROJECT TITLE: WAA 1-23-19  
 REVISIONS: [Table with 2 columns: Description, Date]  
 PERCENT SUBMISSION: [Table with 2 columns: Description, Date]  
 CONTRACTOR: [Table with 2 columns: Description, Date]  
 ARCHITECT: [Table with 2 columns: Description, Date]  
 ENGINEER: [Table with 2 columns: Description, Date]  
 DATE: 02/01/2019  
 DRAWING NO.: WAA 1-23-19  
 SHEET NO.: WAA 1-4  
 MAP NO.: MAP 1B  
 3 of 10



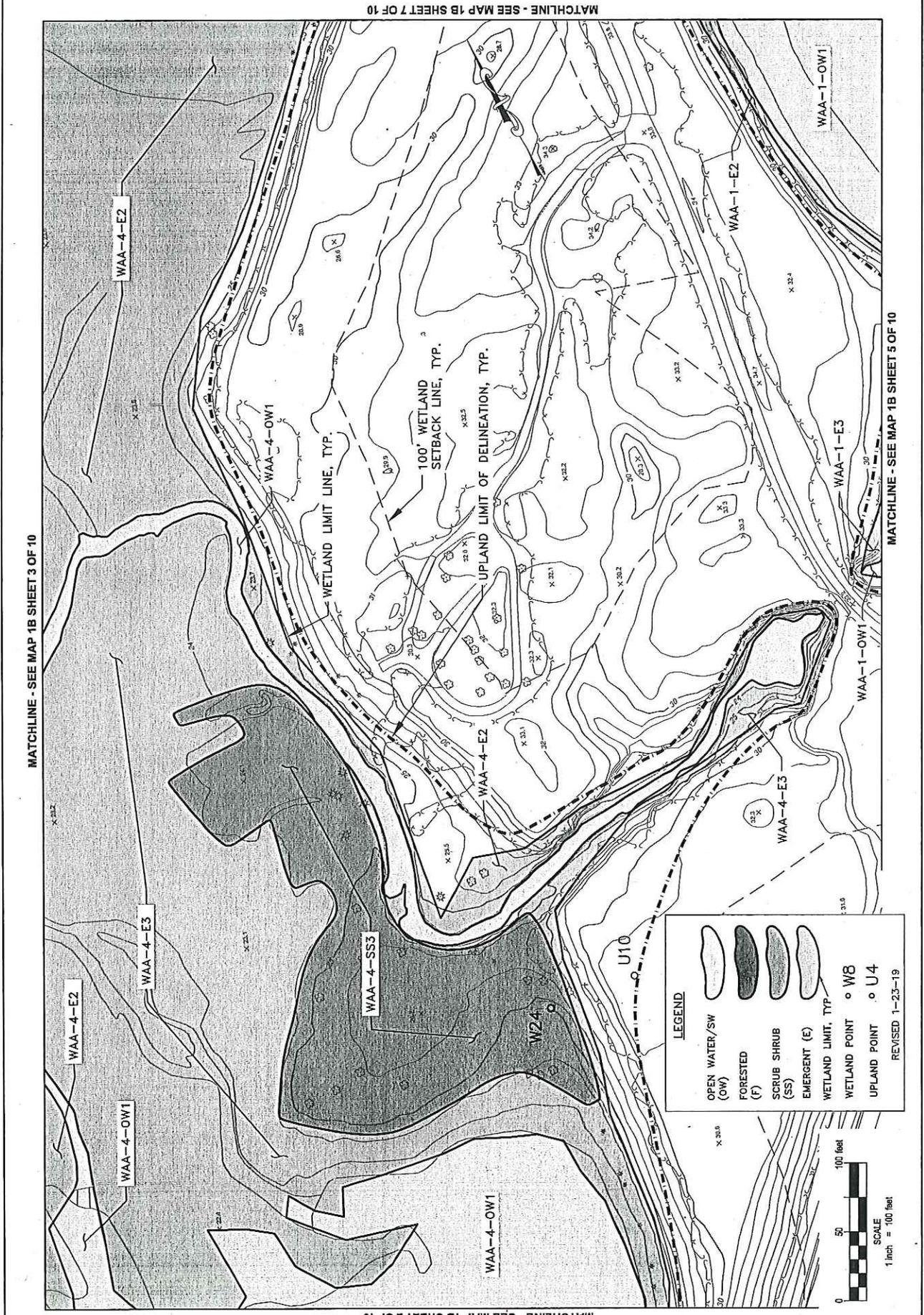
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2019  
 2019  
 2019

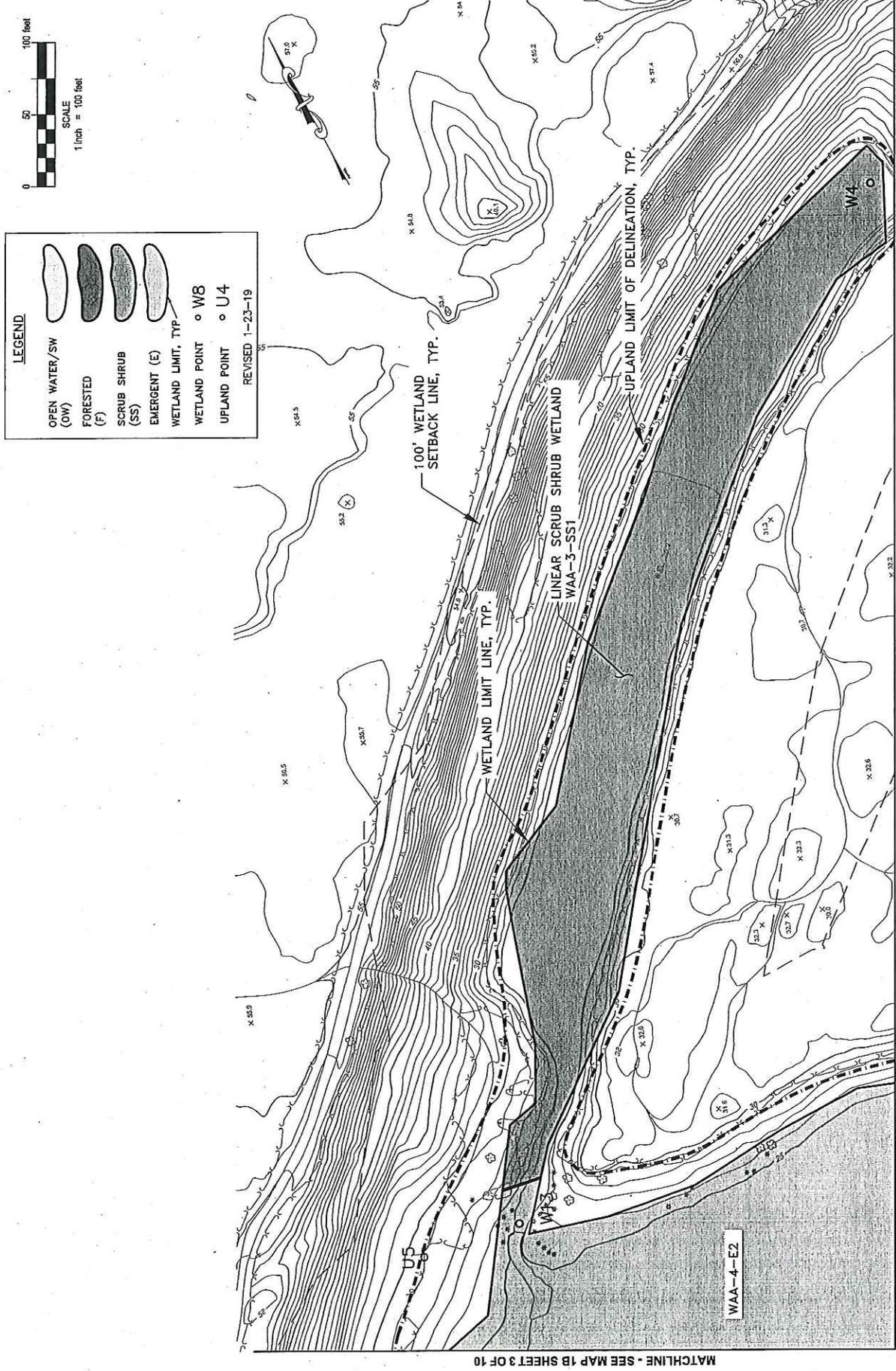
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 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 REVISIONS: [Table]  
 SHEET: MAP 1B  
 4 of 10



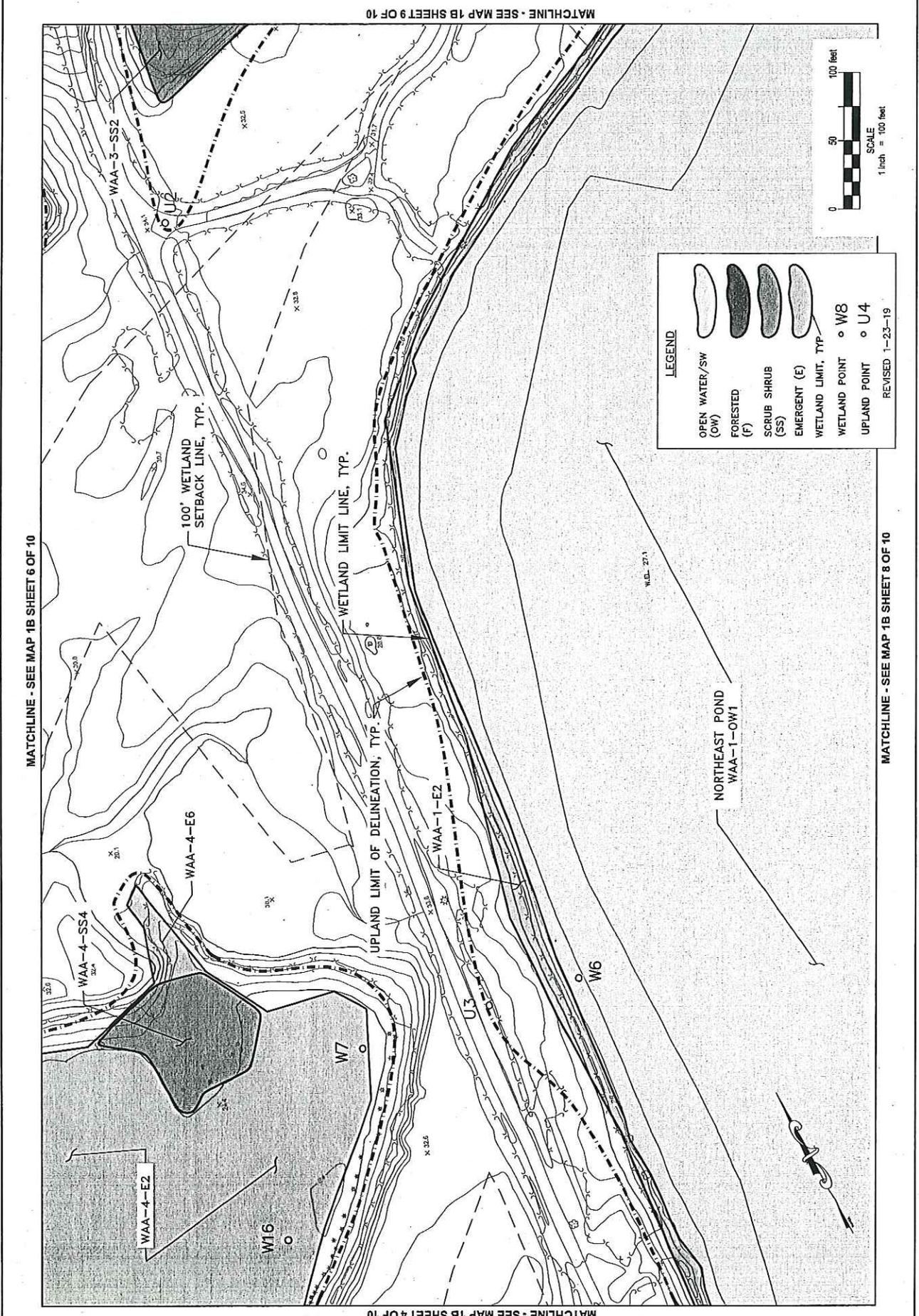
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PROJECT: HENPSTEAD LAKE STATE PARK  
 DRAWING: WAA-4-E2  
 DATE: 02/01/2019  
 PROJECT NO: 1709-100  
 SHEET NO: 1B  
 PROJECT TITLE: NORTH PONDS WAA 1-4  
 SHEET TITLE: MAP 1B  
 6 of 10



FEB 01 2019



FEB 01 2019

**LEGEND**  
 OPEN WATER/SW (OW)  
 FORESTED (F)  
 SCRUB SHRUB (SS)  
 EMERGENT (E)  
 WETLAND LIMIT, TYP.  
 WETLAND POINT ○ W8  
 UPLAND POINT ○ U4

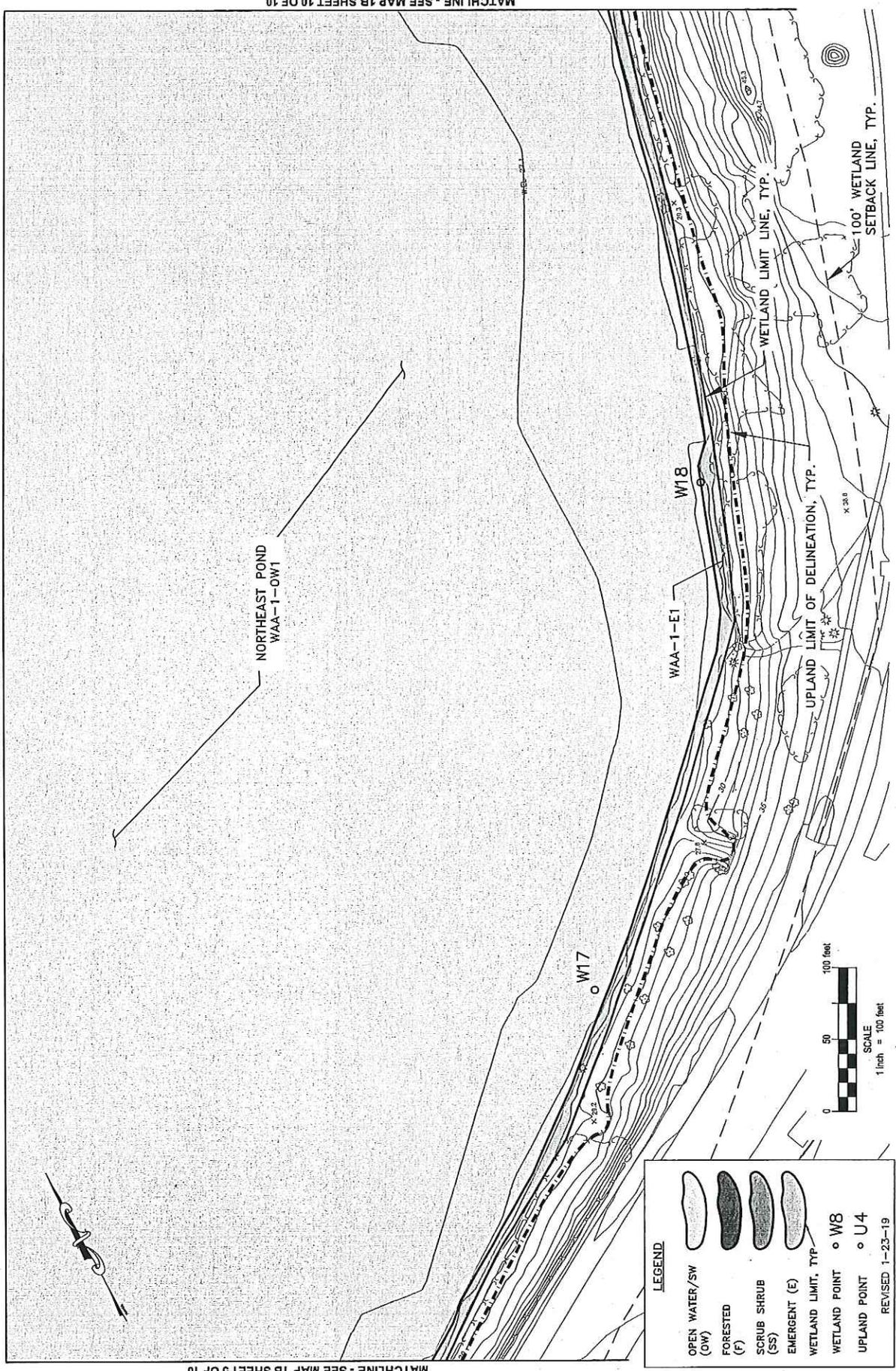
SCALE  
 1 inch = 100 feet  
 0 50 100 feet






City of Harris County  
 Harris County  
 Living Water Bay  
 Stantec  
 LKB  
 Project Title: HEMPSTEAD LAKE STATE PARK  
 Project No: 100011000  
 Date: 12/15/2018  
 Scale: 1" = 100'

MATCHLINE - SEE MAP 1B SHEET 7 OF 10



MATCHLINE - SEE MAP 1B SHEET 5 OF 10

**LEGEND**

	OPEN WATER/SW (OW)
	FORESTED (F)
	SCRUB SHRUB (SS)
	EMERGENT (E)
	WETLAND LIMIT, TYP
	WETLAND POINT ○ W8
	UPLAND POINT ○ U4

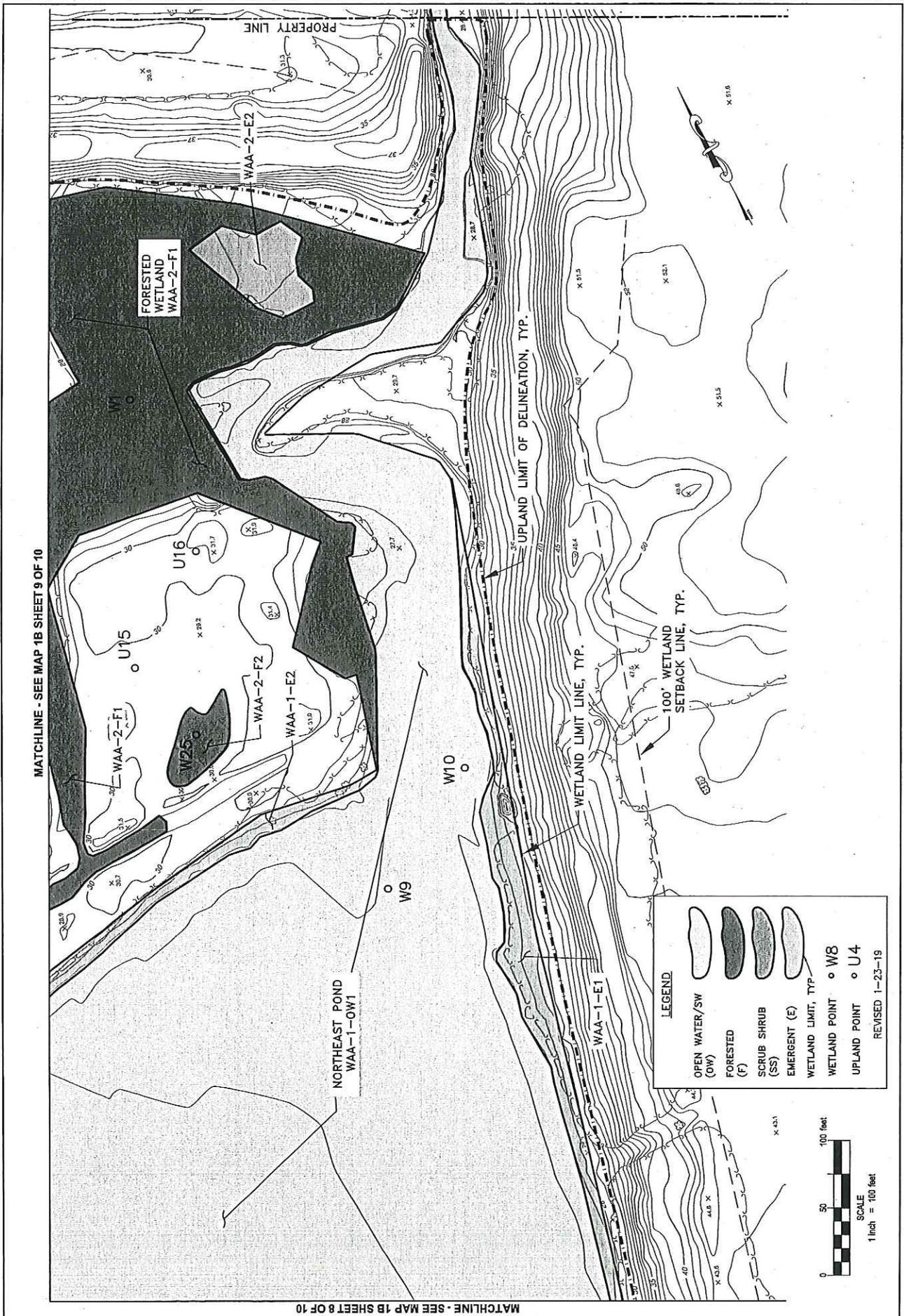
SCALE  
 1 inch = 100 feet  
 REVISED 1-23-19

FEB 01 2019

NORTH PONDS  
 WAA 1-4  
 SHEET MAP 1B  
 8 of 10



Stantec  
 2 M  
 KKB  
 HEMPHSTEAD LAKE STATE PARK  
 PROJECT # WAA-1-03  
 DATE: DECEMBER 2018  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: 1 inch = 100 feet  
 SHEET: MAP 1B  
 10 of 10



MATCHLINE - SEE MAP 1B SHEET 9 OF 10

MATCHLINE - SEE MAP 1B SHEET 8 OF 10

FEB 01 2019

TABLE 2

Hempstead Lake State Park - Wetlands Acreage Table

Wetland Assessment Area (WAA)	Wetland Class/Habitat	Wetland Identifier	Acres (AC)	Location		Map Locations
				Latitude (Degrees)	Longitude (Degrees)	
Northeast Pond (WAA-1)	Open Water	WAA-1-OW1	20.90	40.691190	-73.636793	4,5,7,8,9,10
	Emergent	WAA-1-E1	0.53	40.690485	-73.634839	5,8,10
		WAA-1-E2	0.43	40.691271	-73.637501	4,5,7,9,10
NE Pond Forested Wetland (WAA-2)	Emergent	WAA-1-E3	0.03	40.689150	-73.637897	4,5
		WAA-2-E1	0.16	40.692630	-73.634337	9
	Forested	WAA-2-E2	0.09	40.693974	-73.633696	10
NE Pond Linear Scrub Shrub Wetland (WAA-3)	Scrub Shrub	WAA-2-F1	1.96	40.693854	-73.634267	9,10
		WAA-2-F2	0.05	40.693123	-73.634467	10
	Open Water	WAA-3-SS1	1.02	40.692393	-73.638784	6
Northwest Pond (WAA-4)	Scrub Shrub	WAA-3-SS2	1.30	40.693340	-73.636004	7,9
		WAA-4-OW1	9.45	40.687612	-73.641119	1,2,3,4
	Emergent	WAA-4-E1	4.29	40.688866	-73.641969	1,2,3
Hempstead Lake (WAA -5,-6,-7)	Scrub Shrub	WAA-4-E2	10.34	40.690355	-73.640273	1, 2,3,4,6,7
		WAA-4-E3	3.08	40.686402	-73.641257	2, 3,4
	Open Water	WAA-4-E4	0.30	40.686531	-73.641672	2
South Pond (WAA -8,-10)	Scrub Shrub	WAA-4-E5	0.04	40.686419	-73.641154	2
		WAA-4-E6	0.04	40.691364	-73.638441	7
	Open Water	WAA-4-SS1	0.67	40.689729	-73.641737	3
Schodack Brook (WAA-9)	Scrub Shrub	WAA-4-SS2	0.73	40.690130	-73.641483	3
		WAA-4-SS3	0.95	40.688773	-73.639696	4
	Riverine	WAA-4-SS4	0.16	40.691207	-73.638511	7
Schodack Brook (WAA-9)	Open Water	WAA-5	125.89	40.685919	-73.640761	2
		WAA-6	24.33	40.678873	-73.644508	3,4
	Open Water	WAA-7	0.61	40.673160	-73.647488	5
Schodack Brook (WAA-9)	Open Water	WAA-8	0.61	40.670881	-73.648797	6
		WAA-10	0.61	40.667483	-73.651773	8
	Riverine	WAA-9	0.61	40.67043	-73.651733	7

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