# SUBJECT: Permit Application Number NAN-2020-00311-EHA by Titan Golf LLC for Tam O'Shanter Country Club 

Titan Golf LLC
Attn: Robert Weiss
41 Bayard Street
New Brunswick, New Jersey 08901
Dear Mr. Weiss:

On March 27, 2020, 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 above referenced project. This request was made by VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB), as consultant for Titan Golf LLC. The site consists of approximately 151 acres, in the Lower Hudson-Long Island watershed, at 74
Fruitledge Road, Glen Head, in the Town of North Hempstead, Nassau County, New York. The proposed project would involve residential development.

In the letter received on March 27, 2020, your office submitted a proposed delineation of the extent of waters of the United States within the project boundary. The USACE concurs with the delineation report prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, and dated March 27, 2020.

Based on the material submitted, the area within the project boundary has been determined to contain no jurisdictional waters of the United States.

The waters shown within the project boundary on the drawing entitled "Topographic Plan", prepared by VHB, dated December 5, 2018, and last revised March 20, 2020 do not meet the current criteria of waters of the United States under Section 404 of the Clean Water Act. The area within the project boundary is the approximately 151-acre area encompassed by the property line on the above referenced drawing.

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 Approved Jurisdictional Determination Form (Interim) Navigable Water Protection Rule, promulgated by the Corps of Engineers in June 2020. As documented on that form, five wetlands (Wetland 1-approximately 0.54 acres, Wetland 2-approximately 0.56 acres, Wetland 3approximately 0.81 acres, Wetland 4-approximately 1.71 acres and Wetland 5-
approximately 0.46 acres) were determined to be excluded from Clean Water Act jurisdiction. 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/Recen tJurisdictionalDeterminations.aspx

This delineation/determination has been conducted to identify the limits of the Corps 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<br>North Atlantic Division, U.S. Army Engineer Division<br>Fort Hamilton Military Community<br>General Lee Avenue, Building 301<br>Brooklyn, New York 11252-6700

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 Park 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 December 14,2020 . It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional 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 discuss the applicability of a certified wetland determination with the local USDA service center, 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 contact Naomi Handell, of my staff, at (917) 790-8523.

Sincerely,


Ronald R. Pinzon
Chief, Eastern Section

## Enclosures

U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM<br>APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM) NAVIGABLE WATERS PROTECTION RULE

## I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 10/15/2020
ORM Number: NAN-2020-00311-EHA
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE).
Review Area Location ${ }^{1}$ : State/Territory: NY City: Brookville County/Parish/Borough: Nassau
Center Coordinates of Review Area: Latitude 40.811646N Longitude -73.553440W
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.
$\square$ 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.
$\square$ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
$\square$ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
$\boxtimes$ 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 $10(\S 10)^{2}$

| $\S 10$ Name | $\S 10$ Size | $\S 10$ 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): ${ }^{3}$

| (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 | $(\mathrm{a})(3)$ 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. | N/A. |

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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 |
| Pond 1 | 0.54 | acre(s) | (b)(8) Artificial lake/pond constructed or excavated in upland or a nonjurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6). | Artificially created pond for golf course. |
| Pond 2 | 0.56 | acre(s) | (b)(8) Artificial lake/pond constructed or excavated in upland or a nonjurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6). | Artificially created pond for golf course. |
| N/A. | 0.81 | acre(s) | (b)(8) Artificial lake/pond constructed or excavated in upland or a nonjurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6). | Artificially created pond for golf course. |
| N/A. | 1.71 | acre(s) | (b)(8) Artificial lake/pond constructed or | Artificially created pond for golf course. |

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| Excluded waters (b)(1)-(b)(12)):4 |  |  |  |  |
| :--- | :--- | :--- | :--- | :--- |
| Exclusion Name | Exclusion Size | Exclusion ${ }^{4}$ | Rationale for Exclusion Determination |  |
|  |  |  | excavated in <br> upland or a non- <br> jurisdictional <br> water, so long as <br> the artificial lake <br> or pond is not an <br> impoundment of <br> a jurisdictional <br> water that meets <br> (c)(6). |  |
| N/A. |  | N/A. | acre(s) | (b)(8) Artificial <br> lake/pond <br> constructed or <br> excavated in <br> upland or a non- <br> jurisdictional <br> water, so long as <br> the artificial lake <br> or pond is not an <br> impoundment of <br> a jurisdictional <br> water that meets <br> (c)(6). |

## 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.
$\boxtimes$ Information submitted by, or on behalf of, the applicant/consultant: Wetland Delineation Report for Tam O'Shanter Country Club prepared by VHB dated March 27, 2020. Drawings entitled "Topographic Plan", prepared by VHB, dated December 5, 2018, and last revised March 20, 2020.

This information is sufficient for purposes of this AJD.
Rationale: N/A or describe rationale for insufficiency (including partial insufficiency).
$\square$ Data sheets prepared by the Corps: Title(s) and/or date(s).
$\boxtimes$ Photographs: Aerial and Other: Various aerial photos in Wetland Delineation Report; Site photos dated February 12, 2020
$\square$ Corps site visit(s) conducted on: Date(s).
$\square$ Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).
$\square$ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
$\square$ USDA NRCS Soil Survey: Title(s) and/or date(s).
$\boxtimes$ USFWS NWI maps: NWI Map generated May 5, 2020.
$\boxtimes$ USGS topographic maps: NY 1308091949
Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
| :--- | :--- |
| USGS Sources | N/A. |

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| Data Source (select) | Name and/or date and other relevant information |
| :--- | :--- |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

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.
C. Additional comments to support AJD: From the Wetland Delineation Report, "Ponds 1 through 5 are artificial features constructed between 1957 and 2006, in association with site usage as a golf course. As the primary purpose of the ponds is irrigation, the ponds are lined, periodically replenished with well water and are connected via sub-grade pipes and pumps. The five artificial ponds are otherwise isolated from other surface waters and wetlands in the general surrounding area."


Survey of Property of
Tam O'Shanter
Golf Course
Situated at, Inc. Village of Brookv
Town of Oyster Bay

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& \text { Town of Oyster Ba } \\
& \text { Nassau County, }
\end{aligned}
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Nassau Cou
New York


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${ }^{\text {December } 5,2018}$

Overall Boundary

S-1




[^0]:    ${ }^{1}$ 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 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.
    ${ }^{3}$ 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 upstream or downstream limits or lake borders are established. A standalone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

[^1]:    ${ }^{4}$ 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.

