

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 10/20/2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENAP-OP-R-2016-0148-83 (Palmer Internat. Inc. Facility Exp. MO)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Pennsylvania** County/parish/borough: **Montgomery** City: **Skippack**
Center coordinates of site (lat/long in degree decimal format): **Lat. 40.23571 N, Long. -75.41239 W.**
Universal Transverse Mercator:

Name of nearest waterbody: **UNT to Skippack Creek**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Schuylkill River**

Name of watershed or Hydrologic Unit Code (HUC): **Skippack Creek; 020402030808 (HUC 12)**

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: 10/11/2016
 Field Determination. Date(s): 02/26/2016; 04/18/2016; 05/20/2016

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are and are not** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
 Wetlands adjacent to TNWs
 Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
 Non-RPWs that flow directly or indirectly into TNWs
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
 Impoundments of jurisdictional waters
 Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 404 linear feet and/or .013 acres.
Wetlands: .024 acres.

c. Limits (boundaries) of jurisdiction based on: established by OHWM and 1987 Delineation Manual.

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: Total jurisdictional request area on site is comprised of 14.12 acres, which includes stormwater and process water facilities. The on-site combined stormwater and process water basin area contains .156 acre of wetlands and 381 L.F. of constructed rip-rapped channels. Also included is one additional stormwater basin area (.043 acre) at the head of the constructed channels and 60 L.F. of an eroded swale below the endwall of the combined stormwater and process water basin.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”:

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: unknown
Drainage area: unknown
Average annual rainfall: 47 inches
Average annual snowfall: 14 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through **4** tributaries before entering TNW.

Project waters are **5-10** river miles from TNW.
Project waters are **0** river miles from RPW.
Project waters are **5-10** aerial (straight) miles from TNW.
Project waters are **0** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: UNT of UNT of Skippack Creek to UNT of Skippack Creek, to Skippack Creek, to Perkiomen Creek, then Schuylkill River.

Tributary stream order, if known:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain: The RPW is a relocated stream now contained within a previously constructed manmade farm terrace for greater than 50 % of the RPW's total length. The stream channel is formed from continuous flow that daylight and discharges from a 4" HDPE pipe. Spring/seep and the buried 4" HDPE originates from a neighboring offsite location.

Tributary properties with respect to top of bank (estimate):

Average width: **2-5** feet
Average depth: **< 1** feet
Average side slopes: **4:1 (or greater)**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable within the manmade channel, and then becomes less stable and eroding at the lower reach where the RPW exits the constructed channel.

Presence of run/riffle/pool complexes. Explain: shallow run/riffle/pool complexes created by accumulated coarse woody debris and detritus.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): **0-3 % upper; 3-8 % lower**

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: Continuous flow originating from an offsite seepage/spring directed through a 4" HDPE pipe into the channel. Flow becomes intermittent at the RPW's lower reach as a result of the growing season (drier summer months).

Other information on duration and volume: Continuous onsite flow for > 3 months/year.

Surface flow is: **Discrete and confined**. Characteristics: Continuous flow observed being discharged into the channel through the 4" HDPE pipe from an offsite seepage/spring.

Subsurface flow: **Unknown**. Explain findings: .

Dye (or other) test performed: .

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list): physical markings (4" HDPE pipe) establishes the upstream extent of the tributary absent from stormwater input from the facilities roof drains with abrupt physical changes in appearance differentiating the two. Continuous flow observed being discharged into the channel through the 4" HDPE pipe from an offsite seepage/spring.

Discontinuous OHWM.⁷ Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

- tidal gauges
- other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: *water was observed to be cold and clear with no distinguishable odor present, as compared to the facilities processing water. RPW is subject to turbidity caused by runoff during storm events from adjacent properties.*

Identify specific pollutants, if known: *Process water does not contribute to flow within the RPW.*

(iv) Biological Characteristics. Channel supports (check all that apply):

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings: *frogs/tadpoles, leeches, salamanders.*

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting
 - Discrete wetland hydrologic connection. Explain:
 - Ecological connection. Explain:
 - Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) Biological Characteristics. Wetland supports (check all that apply):

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
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Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- TNWs: linear feet width (ft), Or, acres.
- Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
- Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Continuous flow originating from an offsite seepage/spring directed through a 4” HDPE pipe into the channel.

Flow becomes intermittent at the RPW's lower reach as a result of the growing season (drier summer months). Continuous flow for > 3 months/year is expected with consistent flows observed onsite during each of the three conducted site visits. The area upwards (westerly) of the HDPE pipe within the constructed channel was observed dry during each of the site visits indicating that stormwater/runoff from the multiple storm drains directed towards the channel was not the major contributing source of the observed flowing surface water. Contributing source water for the RPW surface flow originates from a spring/seep, redirected through a buried underground 4" HDPE that discharges continuous flow into the constructed channel. The RPW now flows through the previously constructed (pre-1970) farm diversion terrace. A seasonal high water table was also observed and noted during the site visits which is consistent with ReA soil types which would further contribute to seasonal base flows for this location; slow surface drainage is also noted for this soil type. Therefore, the farm diversion terrace is now serving as a relocated stream channel onsite with discharge point (4" HDPE) forming the upper most limit of the RPW under present day conditions. The RPW ultimately extends downstream and drains into the UNT of Skippack Creek offsite.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **404** linear feet; **1-3'** width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
 - Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: Low volume flow from the RPW observed to directly feed into the wetland.

Provide acreage estimates for jurisdictional wetlands in the review area: **.024** acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

⁸See Footnote # 3.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above):

The on-site combined stormwater and process water basin area contains .156 acre of wetlands and 381 L.F. of constructed rip-rapped channels. Also included is one additional stormwater basin area (.043 acre) at the head of the constructed channels and 60 L.F. (.008 acres) of an eroded swale below the endwall of the combined stormwater and process water basin. The formation of wetlands contained within the combined stormwater and process water basin area are the result of a combination of impervious surface runoff and the facilities processing water.

The facilities existing retention ponds/basins, to include their constructed channels, were excavated from uplands at their time of construction to collect the facilities stormwater runoff and process water, and are not used for the purposes to drain wetlands or any other Waters of the U.S. The preamble to 33 CFR Part 328 states that features excavated from uplands are not considered waters of the United States. Paragraphs immediately following 33 CFR Part 328.3(8) states that waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. Specific to the .156 acres of wetlands contained within the combined stormwater and process water basin, those wetlands are subject to revert back to dry land once the addition of process water input ceases which is similar to artificially irrigated areas, therefore are not "Waters of the U.S." as stated in the preamble to the Corps' Final rule of November 13, 1986.

Additionally, the onsite eroded swale (60 L.F.) below the endwall of the combined stormwater and process water basin is not a Waters of the U.S. by definition. 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 are not "Waters of the United States". Swales, erosional features (e.g. gullies) and small washes characterized by low volume, infrequent, and short duration flow are not jurisdictional waters under the CWA. The onsite eroded swale below the endwall of the combined stormwater and process water basin does not meet the definition of tributary, was not constructed, and was found to be the result of erosional processes caused by basins waters being directed by sheet flow towards the previously constructed man-made ditch located at the center of the property, thus causing the soils to slowly erode overtime. The ReB2 soil classification at the end-wall and swale location is noted for moderate hazards of erosion, with on long slopes of 6 to 8% the hazard of erosion is indicated as severe, which is consistent for these locations. Lastly, the onsite man-made center ditch is not acting as a relocated stream channel and the frequency of observed flow at the tailend of the endwall was determined to be the result of process water being added into the basin.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
 - “JURISDICTIONAL DETERMINATION PLAN”, Palmer International, Inc. Proposed Facility Expansion Skippack, Pennsylvania, Skippack Township, Montgomery County, Pa., dated 02/29/2016, last revised on 09/09/2016, prepared for Palmer International, Inc., by REL Design, Inc., Architects & Engineers.
 - Historic Site/Design Plans, dated 1979, 1983, 1988, 1993, 1997, 2010, presented and attached within the February 18, 2016 “Delineation Report – Palmer International Facility Expansion Skippack Township, Montgomery County, PA – File No. 1548”, prepared by Aqua-Terra Environmental Ltd.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant. “Delineation Report – Palmer International Facility Expansion Skippack Township, Montgomery County, PA – File No. 1548”, dated February 18, 2016, prepared for REL Design, Inc, by Aqua-Terra Environmental Ltd. on behalf of the Palmer International Facility Expansion Project.
 - Office concurs with data sheets.
 - Office does not concur with delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters’ study: .
- U.S. Geological Survey Hydrologic Atlas: .
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: .
- USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Montgomery County Pennsylvania, issued 1967.
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Delaware Valley Regional Planning Commission (DVRPC) 1965, 1970, 1975, 1980, 1985, 1990, 1995, Aerial Photo(s) A27 B48.
or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): “Outfall Location and Information for Palmer Project”, provided by email from Robert E. Lamb, Inc. on 4/21/2016; PDF 4 sheets, undated site plan (Sheet 1), Attachment C- Outfall Locations (Sheet 2), Attachment D – Palmer Cooling Water (Sheet 3), Attachment E – Line Drawing (Sheet 4).

B. ADDITIONAL COMMENTS TO SUPPORT JD: .