DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

November 30, 2018

REPLY TO
ATTENTION OF

Regulatory Branch
Applications Section II

SUBJECT: CENAP-OP-R 2018-00344 (91)
Project Name: Portland Industrial Park LP Ultra Poly Corp Building 2 NO
Latitude and Longitude: 40.9151° N, -75.0962° W

Ultra Poly Corporation
c/o Mr. David LaFiura
102 Demi Road
Portland, PA 18351

Dear Mr. LaFiura:

This letter is written with regard to your request for a verification of a jurisdictional delineation performed on your behalf by Reuther and Bowen Engineering, Design and Construction Services. The project center is located approximately 1,900 feet west of the intersection of River Road and Demi Road, Upper Mount Bethel Township, Northampton County, Pennsylvania.

The plans identified on the following page depict the extent of Federal jurisdiction on the subject property. The basis of our determination of jurisdiction is also provided (Enclosure 1).

Pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States including adjacent and isolated wetlands. Any proposal to perform the above activities within the area of Federal jurisdiction requires the prior approval of this office.

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. 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 U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

This letter is valid for a period of five (5) years. This jurisdictional determination is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and

modify the jurisdictional determination at any time should the existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form (Enclosure 2). If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at the following address:

Mr. James W. Haggerty
Regulatory Program Manager (CENAD-PD-OR)
U.S. Army Corps of Engineers
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, New York 11252-6700
Telephone number: 347-370-4650

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 January 29, 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.

If you have any questions regarding this matter, please contact Mr. Nathan Fronk at 267-284-6564 or write to the Pocono Area Field Office, 253 State Route 435, Suite 4, Clifton Township, Pennsylvania, 18424.

Sincerely,

Glenn R. Weitknecht
Senior Project Manager

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SUBJECT PROPERTY: Approved jurisdictional determination is for study area defined in "Land Development Plans for Ultra-Poly Corporation Building Two, Borough of Portland, Upper Mount Bethel Township, Northampton County, Pennsylvania", Sheets C1.20 and C1.21.

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SURVEY DESCRIPTION: "Land Development Plans for Ultra-Poly Corporation Building Two, Borough of Portland, Upper Mount Bethel Township, Northampton County, Pennsylvania", Scale: 1" = 80', Sheets C1.20 and C1.21, Drawn by BJV of Reuther and Bowen Engineering, Design and Construction Services on 10/18/2018, last revised 11/02/2018.

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COMMENTS: Site inspection by representative of this office on October 9, 2018

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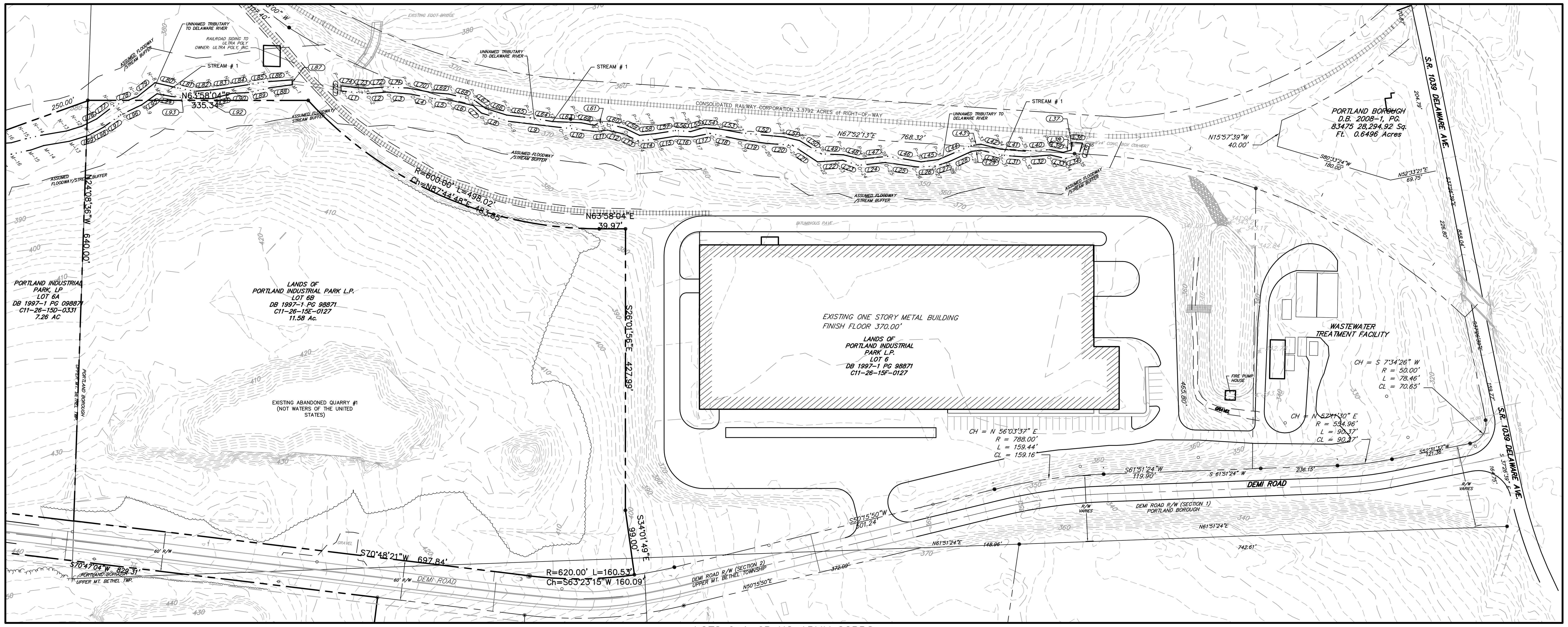
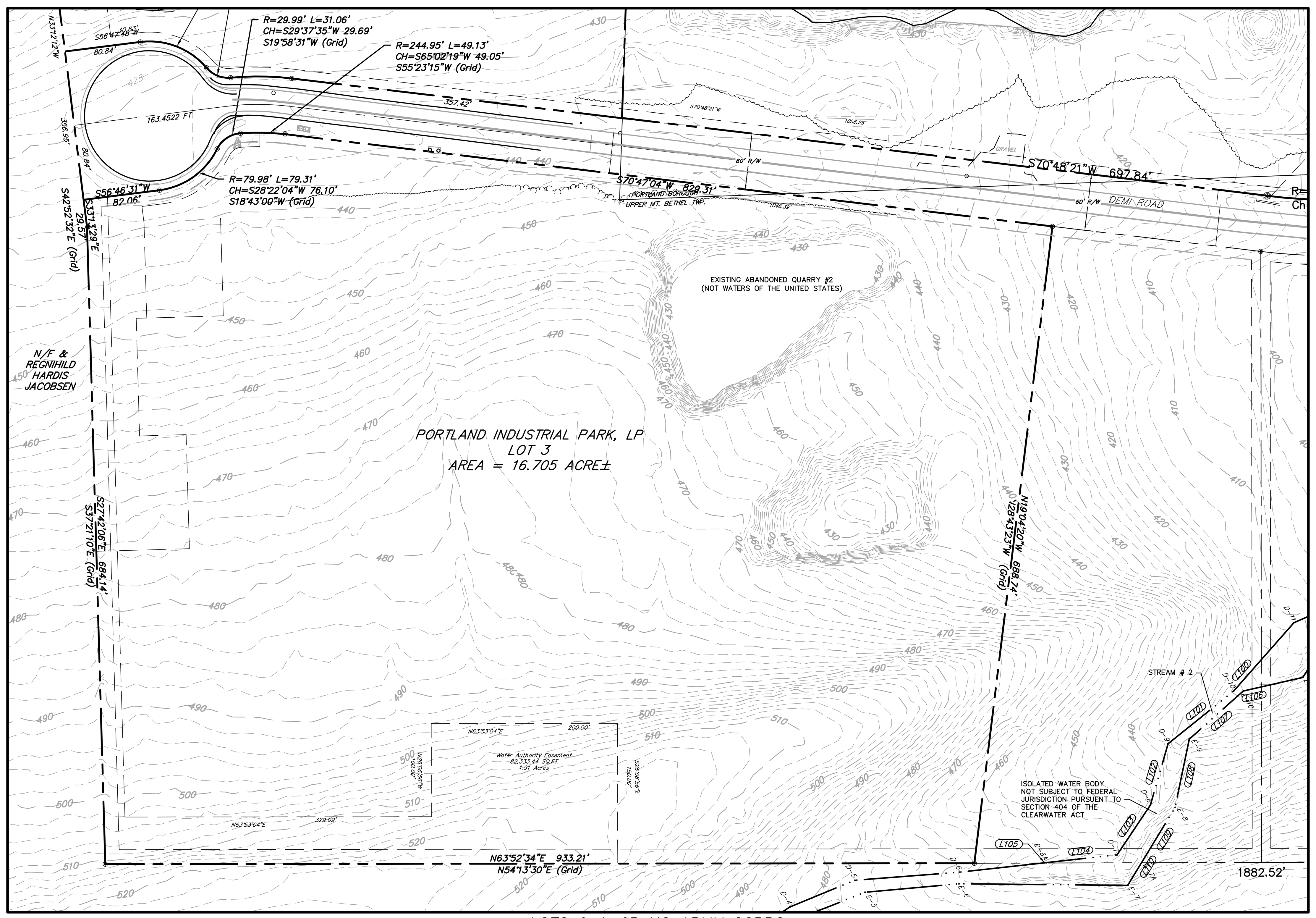
Enclosures

Copies Furnished:

PADEP (Northeast)
Northampton County Conservation District
Upper Mount Bethel Township
Reuther and Bowen Engineering, Design and Construction Services



LOTS 6 & 6B US ARMY CORPS
JURISDICTIONAL DETERMINATION PLAN
SCALE: 1" = 80'



LOTS 6 & 6B US ARMY CORPS
JURISDICTIONAL DETERMINATION PLAN
SCALE: 1" = 80'

STREAM LINE TABLE

LINE #	LENGTH	DIRECTION
L1	40.41	N60° 02' 13.81"E
L2	29.88	N49° 55' 56.38"E
L3	36.85	N59° 04' 37.01"E
L4	32.57	N65° 58' 11.76"E
L5	27.41	N59° 23' 16.96"E
L6	35.92	N67° 33' 16.27"E
L7	17.09	S83° 41' 00.48"E
L8	43.33	N71° 16' 05.98"E
L9	78.55	N61° 01' 32.30"E
L10	54.75	N60° 54' 25.76"E
L11	17.93	N47° 17' 57.50"E
L12	24.60	N67° 30' 48.02"E
L13	25.39	N79° 04' 14.09"E
L14	27.45	N49° 18' 24.92"E
L15	29.91	N45° 24' 21.78"E
L16	26.12	N56° 56' 14.36"E
L17	26.41	N42° 19' 04.36"E
L18	44.27	N65° 53' 33.26"E
L19	44.29	N62° 34' 13.27"E
L20	38.68	N58° 24' 57.47"E

STREAM LINE TABLE

LINE #	LENGTH	DIRECTION
L21	45.79	N87° 44' 33.86"E
L22	38.43	N50° 25' 32.61"E
L23	24.51	N73° 15' 25.61"E
L24	41.82	N48° 14' 46.40"E
L25	48.69	N62° 18' 26.86"E
L26	27.92	N51° 52' 44.43"E
L27	22.52	N35° 53' 34.96"E
L28	37.14	N29° 42' 45.73"E
L29	14.29	N47° 11' 40.15"E
L30	32.81	N67° 50' 19.00"E
L31	36.05	N58° 14' 32.03"E
L32	38.27	N50° 02' 52.43"E
L33	23.31	N67° 42' 31.47"E
L34	21.63	N37° 16' 12.34"E
L35	17.94	N19° 16' 06.55"W
L36	15.77	S58° 38' 53.65"W
L37	11.87	S28° 53' 23.27"E
L38	12.58	S38° 41' 01.59"W
L39	20.75	S65° 31' 37.10"W
L40	38.62	S51° 03' 08.12"W

STREAM LINE TABLE

LINE #	LENGTH	DIRECTION
L41	36.25	S59° 02' 26.26"W
L42	30.93	S68° 16' 30.89"W
L43	15.16	S46° 07' 20.41"W
L44	54.23	S31° 17' 20.72"W
L45	26.40	S46° 43' 30.92"W
L46	51.70	S63° 34' 03.08"W
L47	40.97	S48° 33' 20.82"W
L48	27.52	S68° 01' 02.00"W
L49	33.42	S56° 36' 08.46"W
L50	38.71	S85° 45' 31.26"W
L51	24.38	S67° 09' 05.76"W
L52	64.46	S59° 39' 24.41"W
L53	40.05	S64° 36' 00.94"W
L54	18.74	S56° 43' 59.11"W
L55	20.42	S37° 55' 13.21"W
L56	23.34	S58° 03' 18.88"W
L57	30.50	S45° 26' 18.50"W
L58	24.55	S48° 18' 30.13"W
L59	24.85	S80° 18' 18.03"W
L60	38.04	S68° 05' 02.88"W

STREAM LINE TABLE

LINE #	LENGTH	DIRECTION
L61	10.76	S27° 53' 50.18"W
L62	20.11	S65° 18' 29.61"W
L63	43.40	S56° 50' 08.22"W
L64	34.44	S63° 37' 11.91"W
L65	36.52	S60° 57' 01.93"W
L66	33.11	S71° 51' 36.56"W
L67	21.17	N89° 55' 12.44"W
L68	40.15	S68° 12' 51.92"W
L69	24.55	S59° 04' 23.91"W
L70	38.95	S64° 49' 51.64"W
L71	37.46	S56° 13' 16.96"W
L72	24.65	S49° 44' 23.16"W
L73	17.55	S58° 56' 10.22"W
L74	22.01	S60° 37' 01.64"W
L75	7.64	S35° 13' 59.52"E

STREAM LINE TABLE

LINE #	LENGTH	DIRECTION
L76	16.33	N28° 02' 15.00"E
L77	32.71	N16° 55' 27.58"E
L78	38.48	N33° 13' 39.82"E
L79	34.31	N15° 49' 19.52"E
L80	35.62	N67° 10' 42.58"E
L81	25.52	N65° 50' 14.50"E
L82	29.22	N49° 23' 50.52"E
L83	27.10	N46° 40' 19.35"E
L84	27.88	N45° 20' 22.88"E
L85	31.79	N46° 01' 55.33"E
L86	34.10	N50° 16' 51.42"E
L87	7.33	S35° 41' 10.91"E
L88	34.54	S46° 24' 24.56"W
L89	32.94	S41° 42' 12.48"W
L90	25.21	S51° 38' 59.85"W
L91	30.42	S39° 23' 30.70"W
L92	31.68	S53° 45' 22.04"W
L93	31.43	S60° 33' 23.87"W
L94	22.10	S64° 49' 42.97"W
L95	28.99	S18° 34' 27.79"W

STREAM LINE TABLE

LINE #	LENGTH	DIRECTION
L96	35.59	S28° 46' 52.70"W
L97	32.69	S18° 25' 56.74"W
L98	24.82	S25° 54' 01.03"W
L99	3.33	S37° 10' 49.49"W

STREAM LINE TABLE

LINE #	LENGTH	DIRECTION
L100	44.86	S5° 42' 37.75"W
L101	90.49	S15° 28' 59.52"W
L102	68.27	S19° 41' 48.94"E
L103	64.52	S1° 53' 52.81"E
L104	76.48	S48° 00' 49.27"W
L105	3.49	S48° 00' 49.27"W
L106	19.89	S41° 26' 45.17"W
L107	77.80	S12° 33' 01.00"W
L108	74.82	S24° 01' 45.15"E
L109	69.23	S4° 23' 20.81"E
L110	0.23	S4° 23' 20.81"E

NOTE:
STREAM BOUNDARIES SHOWN ON THE PLANS ARE AS SHOWN ON PLAN CREATED BY BALLINA DESIGN GROUP DATED OCTOBER 24, 2005 LAST REVISED OCTOBER 15, 2008 ENTITLED "WETLAND DELINEATION PLAN PRELIMINARY" AS CONFIRMED BY USACOE JD NUMBER CENAP-OP-R-2004-1446-57 AND CENAP-OP-R-2006-0073-43. FLAGS SHOWN ON THIS PLAN WERE STAKED OUT AND FIELD VERIFIED BY USACOE ON OCTOBER 09, 2018. VERIFICATION OF STREAM BOUNDARY AND NO WETLANDS WITHIN NOTED AREA WAS CONFIRMED. STREAMS SHOWN ON THESE PLANS ARE SUBJECT TO LOCAL ZONING REQUIREMENTS AS WELL AS FEDERAL AND STATE REGULATIONS. NO STREAM OR WETLANDS WILL BE IMPACTED AS PART OF THIS PROJECT.

REVISIONS

REV. NO.	DATE	DESCRIPTION	BY
1	11/02/2018	REVISED PER U.S. ARMY CORP COMMENTS	TMV

GRAPHIC SCALE:
GRAPHIC SCALE
1 IN = 80 FT
0' 80' 160' 240'

OWNER:
PORTLAND INDUSTRIAL PARK, L.P.
102 DEMI ROAD
P.O. BOX 330
PORTLAND, PA 18351

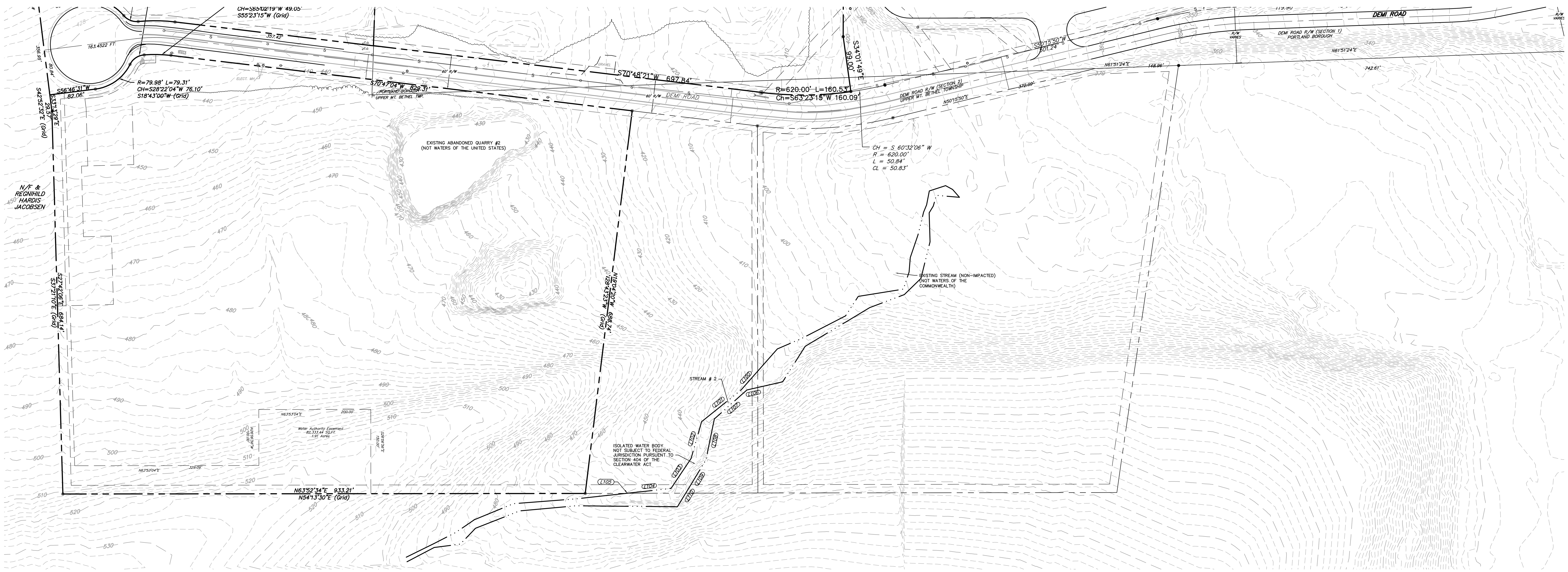
PROJECT TITLE:
LAND DEVELOPMENT PLANS FOR
ULTRA-POLY CORPORATION BUILDING TWO
BOROUGH OF PORTLAND, UPPER MOUNT BETHEL TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA

PREPARED BY:
reuther+bowen
Engineering, Design, Construction Services
326 WARD ST. SCRANTON, PA 18512-2424
PHONE (570)496-7020 FAX (570)496-7021

SEAL:

TITLE:
STREAM BOUNDARY PLAN

DATE ISSUED:	DRAWN BY:	DWG. NO.
10/18/2018	BJV	C1.20
SCALE: AS SHOWN	REVIEWED BY: DPL	
PROJECT NO: 4274.17	CHECKED BY: MB	



REVISIONS			
REV. NO.	DATE	DESCRIPTION	BY

GRAPHIC SCALE:

GRAPHIC SCALE
1 IN = 50 FT
0' 50' 100' 150'

OWNER:

PORTLAND INDUSTRIAL PARK, L.P.
102 DEMI ROAD
P.O. BOX 330
PORTLAND, PA 18351

PROJECT TITLE:

LAND DEVELOPMENT PLANS FOR
ULTRA-POLY CORPORATION BUILDING TWO
BOROUGH OF PORTLAND, UPPER MOUNT BETHEL TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA

PREPARED BY:

reuther+bowen
Engineering, Design, Construction Services
326 WARD ST. SCRANTON, PA 18512-2424
PHONE (570)496-7020 FAX (570)496-7021

SEAL:

TITLE:

STREAM BOUNDARY PLAN

DATE ISSUED:	DRAWN BY:	DWG. NO.
10/18/2018	BJV	C1.21
SCALE: AS SHOWN	REVIEWED BY: DPL	
PROJECT NO: 4274.17	CHECKED BY: MB	

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Ultra Poly Corporation	File Number: CENAP 2018-00344	Date: 30 Nov 2018
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	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: Glenn Weitknecht (267) 284-6563, or Glenn.R.Weitknecht@usace.army.mil	If you only have questions regarding the appeal process you may also contact: Mr. James W. Haggerty Regulatory Program Manager (CENAD-PD-OR) U.S. Army Corps of Engineers Fort Hamilton Military Community 301 General Lee Avenue Brooklyn, New York 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:

Regulatory Program

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): November 30, 2018

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): CENAP-2018-00344

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State:Pennsylvania County/parish/borough: Northampton City: Upper Mount Bethel Twp.
Center coordinates of site (lat/long in degree decimal format): Lat. 40.9151, Long. -75.0962.
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
☐ 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: 23 Oct 2018 Field Date(s): 9 Oct 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: "Land Development Plans for Ultra-Poly Corporation Building Two, Borough of Portland, Upper Mount Bethel Township, Northampton County, Pennsylvania", Scale: 1" = 80', Sheet C1.20 and C1.21, Drawn by BJV of Reuther and Bowen Engineering, Design and Construction Services on 10/18/2018, last revised 11/02/2018.
☐ 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:
  ☐ 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:
☒ USDA NRCS Soil Survey. Citation: Web Soil Survey
☒ USFWS National Wetlands Inventory maps. Citation: NRCS Online Viewer
☐ State/Local wetland inventory maps. Citation:
☐ FEMA/FIRM maps. Citation:
☐ Photographs: ☐ Aerial. Citation: or ☐ Other. Citation:
☐ LiDAR data/maps. Citation:
☒ Previous JDs. File no. and date of JD letter: 2004-1446 and 2006-00073 (24 Oct 2008)
☐ 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.[1]

☐ (b)(4)(iv): Small ornamental waters created in dry land.[1]

☒ (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.[1]

☐ (b)(4)(vii): Puddles.[1]

☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.[1]

☐ (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.[1]

☐ (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 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:

[1] 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.

Jurisdictional Waters of the U.S.

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

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

Table 2. (a)(2) Interstate Waters

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

Table 3. (a)(3) Territorial Seas

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

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5)Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	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.
Unnamed Tributary to Delaware River	Perennial	Delaware River	No	The unnamed tributary flows directly into the Delaware River, which is a Navigable Water of the U.S. subject to U.S. Army Corps of Engineers jurisdiction under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act at the confluence. The tributary has bed and bank and an ordinary high water mark. There were breaks of flow through excluded/non-jurisdictional features.
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	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.
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	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.
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 the 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.
2018-00344	Stream 2	Delaware River	The water of interest is not located within the 100-year floodplain, however, it is located within 4,000 feet of an a(1) water (Delaware River). Stream 2 can be characterized as an intermittent stream. During the 9 Oct 2018 site visit, flowing water was observed in the stream. No rainfall events had occurred in the week prior to the site visit. Flow decreased significantly as the stream headed downslope towards the Delaware River. Any sign of bed and bank and ordinary high water mark are lost in a grassy area approximatley 160 feet south of the intersection of Demi Road and the entrance road to the Air Liquide plant. The stream infiltrates into the ground once bed and bank are lost. No flow was observed leaving the grassy area No other similarly situated waters were identified within the SPOE. The Portland Industrial Park is a unique feature within the SPOE and likely influences the behavior of Stream 2. The rest of the SPOE can be described as having forested residential and agricultural land uses. The intermittent stream does not likely contribute to sediment trapping, nutrient recycling and pollutant trapping. The stream experiences relatively high velocity flow after storms. Accumulated sediments and/or organic matter in the stream were not observed. The stream does not receive a significant amount of runoff and does not have the capability to retain and attenuate flood waters due to it's small size and flashy flow regime. The stream does not contribute any surface flow to any other waters of the US as it infiltrates into the ground near the Air Liquide plant. The stream does not likely play an important role in the export of organic matter or food resources as the stream does not have a surface

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
Existing Abandoned Quarry #1	Water-filled depressions created incidental to mining including pits excavated for obtaining fill, sand, or gravel that fill with water are excluded waters and not considered jurisdictional features.
Existing Abandoned Quarry #2	Water-filled depressions created incidental to mining including pits excavated for obtaining fill, sand, or gravel that fill with water are excluded waters and not considered jurisdictional features.

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_Na	State	Cowardin C	Hgm Code	Meas Type	Amount	Units	Waters_Ty	Latitude
Water 1	PA	R2-RIVERINE, LOWER F		LINEAR	750	FEET	A5	40.91575
Water 2	PA	L1RB-LACUSTRINE, LIN		AREA	1.02	ACRES	EXCLDB4II	40.91479
Water 3	PA	L1RB-LACUSTRINE, LIN		AREA	0.45	ACRES	EXCLDB4II	40.91361
Water 4	PA	R4-RIVERINE, INTERMI		LINEAR	75	FEET	OTHERA8F	40.91456

Longitude	Local Wate	Ohwm Chg	Ohwm Bed	Ohwm Bre	Ohwm Chg	Ohwm Chg	Ohwm Chg	Ohwm Line
-75.0971	UNT to Del	YES	YES					YES
-75.0962	Quarry 1							
-75.0962	Quarry 2							
-75.0935	Stream 2							

Ohwm Des	Ohwm Leaf	Ohwm Mul	Ohwm Sco	Ohwm Sed	Ohwm Sed	Ohwm She	Ohwm Litt	Ohwm Wra
YES				YES	YES		YES	

Ohwm Veg Ohwm Wat Ohwm Oth Ohwm Oth Similarly Sit Sim Situate Adjcent Wa Func I Sedi Func Ii Nut

Func Iii Pol Func Iv Ret Func V Run Func Vi Cor Func Vii Exı Func Viii Ex Func Ix Prov Life Cycle Depdnt