



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

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

April 3, 2019

Regulatory Branch
Applications Section II

SUBJECT: CENAP-OP-R 2019-00180 (91)

Project Name: Watson Land Company Route 100 Property JD LH

Latitude and Longitude: 40.561253° N, -75.469356° W

Watson Land Company
c/o Mr. Craig Halverson
22010 Wilmington Avenue
Carson, CA 90745

Dear Mr. Halverson:

This letter is written with regard to your request for verification of a jurisdictional delineation performed on your behalf by Valley Environmental Services, Inc. The project center is located approximately 860 feet north of the intersection of State Route 100 and State Route 222, Upper Macungie Township, Lehigh 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 June 3, 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

SUBJECT PROPERTY: Approved jurisdictional determination is for the study area defined in the "Landston Equities, LLC., Route 100 Property, Upper Macungie Township, Lehigh County, Pennsylvania, Existing Conditions Plan", Sheet 1 of 1.

SURVEY DESCRIPTION: "Landston Equities, LLC., Route 100 Property, Upper Macungie Township, Lehigh County, Pennsylvania, Existing Conditions Plan", Sheet 1 of 1, Scale: 1" = 100', Drawn by PMA of The Pidcock Company on February 20, 2019. Further marked US Army Corps of Engineers, CENAP-OP-R-2019-00180, April 03, 2019, Approved Plan Sheet 1 of 1.

COMMENTS: Site inspection by representative of this office on March 25, 2019.

Enclosures

Copies Furnished:

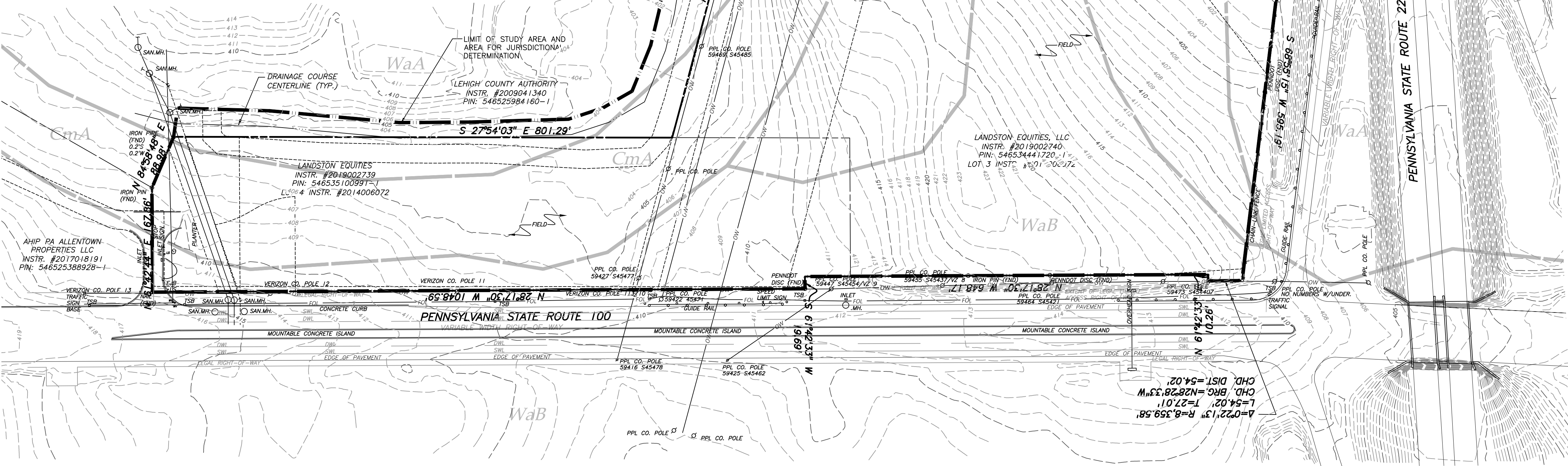
PADEP (NERO)
Lehigh County Conservation District
Upper Macungie Township
Valley Environmental Services, Inc.

SOIL DESCRIPTION TABLE				
SYMBOL	NAME	SLOPE RANGE	CHARACTERISTICS	HYDROLOGIC SOILS GROUP
CmA	CLARKSBURG SILT LOAM	0-3%	MODERATELY WELL DRAINED, MODERATELY LOW TO MODERATELY HIGH PERMEABILITY	C
WaA	WASHINGTON SILT LOAM	0-3%	WELL DRAINED, MODERATELY LOW TO HIGH PERMEABILITY	B
WaB	WASHINGTON SILT LOAM	3-8%	WELL DRAINED, MODERATELY HIGH TO HIGH PERMEABILITY	B
WaC	WASHINGTON SILT LOAM	8-15%	WELL DRAINED, MODERATELY HIGH TO HIGH PERMEABILITY	B

NOTES:

THE SOIL TYPES AND LOCATIONS ARE BASED UPON THE U. S. DEPARTMENT OF AGRICULTURE-NATIONAL RESOURCES CONSERVATION SERVICE (USDA-NRCS) SOIL SURVEY OF LEHIGH COUNTY, PENNSYLVANIA.

- THE SOIL USE LIMITATIONS THAT EXIST FOR THE ABOVE-MENTIONED SOILS AND THEIR RESOLUTIONS ARE AS FOLLOWS:
 - CLARKSBURG SILT LOAM (CmA) AND WASHINGTON SILT LOAM (WaA AND WaB ONLY) ARE LISTED AS PRIME FARMLAND BY THE REFERENCED SOIL SURVEY.
 - WASHINGTON SILT LOAM (WaC ONLY) IS LISTED AS FARMLAND OF STATEWIDE IMPORTANCE BY THE REFERENCED SOIL SURVEY.
 - THERE ARE NO HYDRIC SOILS LISTED FOR THE PROJECT SITE.



LEGEND

BUILDING

BITUMINOUS PAVEMENT

STONE AREA

CONCRETE SIDEWALKS, APRONS, PADS, ETC.

CONCRETE CURB

BITUMINOUS CURB

DEPRESSED CURB

PROPERTY LINE

LOT LINE

CENTERLINE

RIGHT-OF-WAY LINE

ULTIMATE RIGHT-OF-WAY LINE

BUILDING RESTRICTION LINE

UTILITY EASEMENT

CONTOUR

SPOT ELEVATIONS

STORM SEWER, MANHOLE, INLET AND ROOF DRAIN

SWALE, EDGES OF RIVER, CREEKS, WETLANDS, ETC.

OUTLET CONTROL STRUCTURE

END SECTION

ENDWALL

WATERLINE, FIRE HYDRANT, VALVE, REDUCER, TEE, PLUG AND SERVICE

SANITARY SEWER, MANHOLE, CLEANOUT AND LATERAL

FORCE MAIN WITH DIRECTION OF FLOW

GAS LINE AND VALVE

EXISTING

PROPOSED

UNDERGROUND ELECTRIC LINES

UNDERGROUND TELEVISION CABLE

UNDERGROUND TELEPHONE LINES

UNDERGROUND FIBER OPTIC LINE

OVERHEAD WIRES

LIGHT STANDARD

ELECTRIC POLE

TELEPHONE POLE

FENCE

GUIDERAIL

EVERGREEN TREE

DECIDUOUS TREE

RIPRAP

SOILS DELINEATION

SOILS TYPE

NOTE:

THE LEGEND AND ABBREVIATIONS APPLY TO ALL SHEETS IN THE PLAN SET. THEY CONTAIN A COMPREHENSIVE LIST OF DRAWING SYMBOLS AND ABBREVIATIONS THAT MAY BE DEPICTED ON A PLAN SHEET. ALL OF THE SYMBOLS OR ABBREVIATIONS MAY NOT OCCUR ON A PLAN SHEET OR IN THE DRAWING SET. IN SOME INSTANCES PROPOSED OR EXISTING FEATURES MAY BE DEPICTED DIFFERENTLY ON A PLAN THAN IN THE LEGEND TO IMPROVE OVERALL PLAN CLARITY.

EXISTING

PROPOSED

UNDERGROUND ELECTRIC LINES

UNDERGROUND TELEVISION CABLE

UNDERGROUND TELEPHONE LINES

UNDERGROUND FIBER OPTIC LINE

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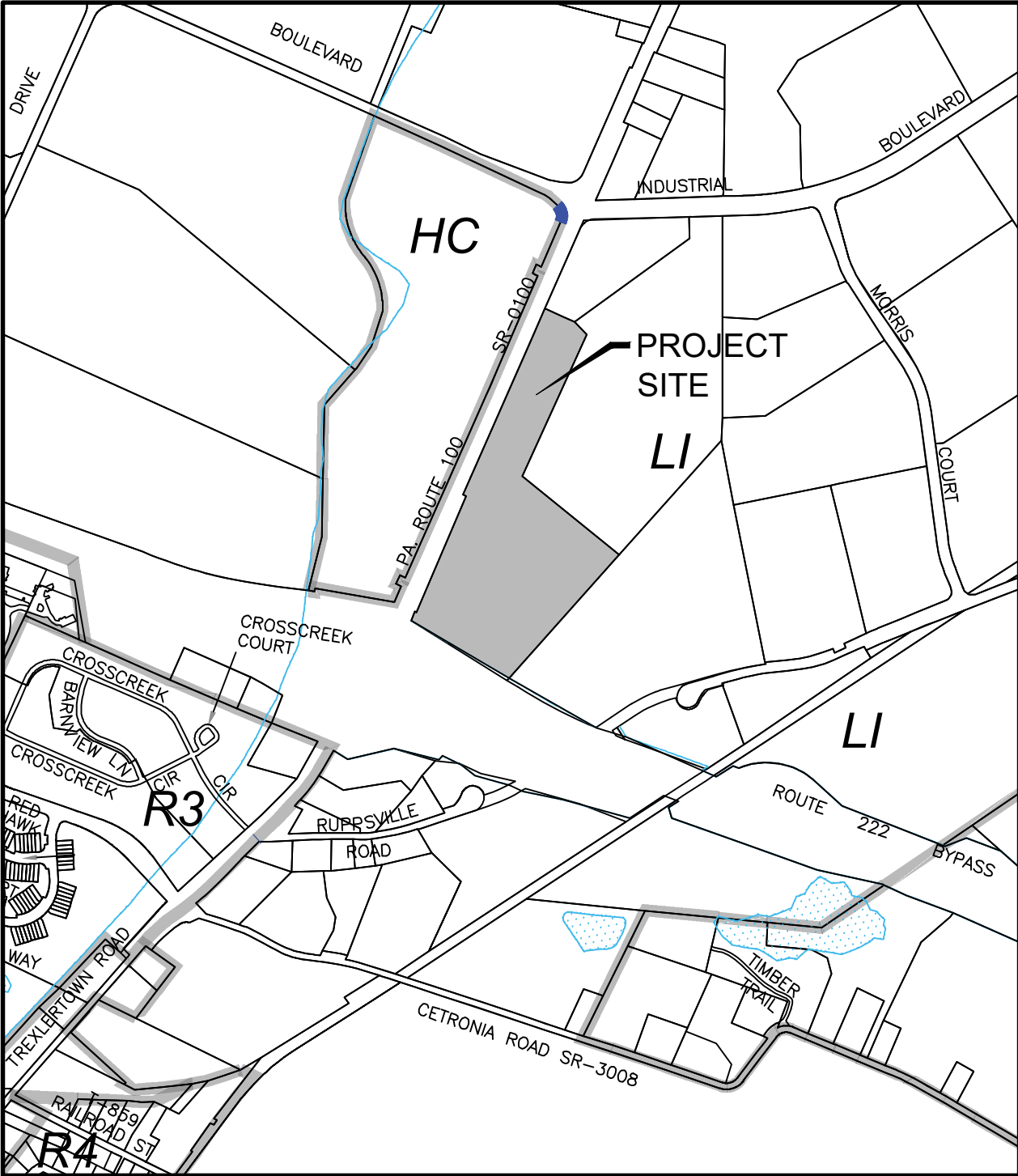
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ABBREVIATIONS

BC BCCMP
B BRL
BT
BW
CES
CIP
CMP
CO
DIP
EDW
ELEV.
FH
GV
HDW
HERCP
HSD
INV.
LS
MES
ME
MH.
MO
OCS
PCL
PLCC
CURB
PL CONC.
MTBLE CURB
PBL
INV.
PVC
PC
PT
PVCC
PVI
PVT
RCP
RD
R/W
SAN.MH.
SSD
STA.
TC
T/F
TW
VCP
WV

BOTTOM OF CURB
BITUMINOUS COATED CORRUGATED METAL PIPE
BASELINE
BUILDING RESTRICTION LINE
BELL TELEPHONE
BOTTOM OF WALL
CONCRETE END SECTION
CAST IRON PIPE
CORRUGATED METAL PIPE
CLEANOUT
DUCTILE IRON PIPE
ENDWALL
ELEVATION
FIRE HYDRANT
GAS VALVE
HEADWALL
HORIZONTAL ELLIPTICAL
REINFORCED CONCRETE PIPE
HEADLIGHT SIGHT DISTANCE
INVERT
LIGHT STANDARD
METAL END SECTION
METROPOLITAN EDISON
MANHOLE
MIDDLE ORDINATE
OUTLET CONTROL STRUCTURE
PROFILE GRADE LINE
PLAIN CEMENT CONCRETE CURB
PLAIN CONCRETE MOUNTABLE CURB
PENNSYLVANIA POWER LIGHT
POLYVINYL CHLORIDE
HORIZONTAL POINT OF CURVATURE
HORIZONTAL POINT OF TANGENCY
POINT OF VERTICAL
COMPOUND CURVATURE
POINT OF VERTICAL INTERSECTION
POINT OF VERTICAL TANGENCY
REINFORCED CONCRETE PIPE
ROOF DRAIN
RIGHT-OF-WAY LINE
SANITARY MANHOLE
SIGHT STOPPING DISTANCE
STATION
TOP OF CURB
TOP OF FOUNDATION
TOP OF WALL
VITRIFIED CLAY PIPE
WATER VALVE



LOCATION MAP
SOURCE: UPPER MACUNGIE TOWNSHIP ZONING MAP
ZONING DISTRICT LEGEND
HC HIGHWAY COMMERCIAL
LI LIGHT INDUSTRIAL PARK
R3 MEDIUM LOW DENSITY RESIDENTIAL
R4 MEDIUM DENSITY RESIDENTIAL
SCALE IN FEET

THE PIDCOCK COMPANY

CIVIL ENGINEERING AND LAND PLANNING
ARCHITECTURE
LAND SURVEYING

Oxford Drive at Fish Hatchery Road
2451 Parkwood Drive Allentown, Pennsylvania 18103-9608
Telephone: 610-791-2252
Telefacsimile: 610-791-1256
E-mail: info@pidcockcompany.com

PROFESSIONAL SEAL

NOTES:

- THIS PLAN HAS BEEN PREPARED IN CONJUNCTION WITH MUNICIPAL REGULATIONS AND ORDINANCES RELATING TO LAND USAGE AND DIMENSIONAL REQUIREMENTS OF ZONING AND RELATED PERMITS. HOWEVER, NOT CONSIDERED ARE PERIPHERAL ISSUES SUCH AS CLARITY OF TITLE, SUBSURFACE CONDITIONS INCLUDING BUT NOT LIMITED TO SOIL AND WATER CONTAMINATION, SINKHOLE ACTIVITY AND HISTORICAL AND ARCHAEOLOGICAL ISSUES, OR OTHER SUCH ISSUES AS MAY AFFECT THE MERCHANTABILITY OF THE LAND. THE PIDCOCK COMPANY MAKES NO REPRESENTATION OR WARRANTY CONCERNING THESE ISSUES WHICH SHOULD BE ADDRESSED BY QUALIFIED PROFESSIONALS ENGAGED IN THE APPROPRIATE FIELDS OF PRACTICE.
- THESE DOCUMENTS ARE PROVIDED FOR MUNICIPAL REVIEW ONLY AND ARE NOT TO BE UTILIZED FOR ANY OTHER PURPOSE. THE DOCUMENTS ARE NOT ISSUED FOR CONSTRUCTION UNLESS SPECIFICALLY NOTED AS SUCH BELOW.

CONTRACTOR'S OBLIGATION REGARDING COORDINATION OF DOCUMENTS AND FIELD CONDITIONS

THE CONTRACT DOCUMENTS PRESENT THE DESIGN INTENT. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REVIEW ALL PLANS, SPECIFICATIONS, ADDENDA, CONSTRUCTION SKETCHES AND OTHER CONTRACT DOCUMENTS FOR CONSISTENCY. SIMILARLY, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REVIEW FIELD CONDITIONS, INCLUDING COORDINATION WITH ALL UTILITIES. THE CONTRACTOR SHALL COMPLETE ANY TEST EXCAVATIONS IN ADVANCE OF ORDERING MATERIALS OR OF CONSTRUCTION IN AN AREA OF UTILITY CROSSINGS OR POTENTIAL INVOLVEMENT. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO BRING ANY INCONSISTENCIES IN THE DOCUMENTS OR ANY APPARENT CONFLICTS TO THE ATTENTION OF THE ENGINEER BEFORE ORDERING MATERIALS AND BEFORE PROCEEDING WITH CONSTRUCTION IN THE AREA SO THAT THE ENGINEER MAY REVIEW THE CONDITIONS AND RECOMMEND ANY ADJUSTMENTS TO THE DOCUMENTS THAT MAY BE NECESSARY, OR TO RECOMMEND RELOCATION OF A UTILITY OR OTHER REMEDIAL WORK THAT MAY BE REQUIRED.

6	
5	
4	
3	
2	
1	

DATE	DESCRIPTION
REVISIONS	

SITE PLAN FOR JURISDICTIONAL DETERMINATION

SCALE: 1"=100'
DATE: FEBRUARY 20, 2019
CHECKED BY: RRT
DRAWN BY: PMA
CAD FILE: Xcond Plan.dwg
PROJECT NUMBER: 18033

GRAPHIC SCALE: 100' 50' 0' 100' 200'



LANDSTON EQUITIES, LLC

ROUTE 100 PROPERTY

UPPER MACUNGIE TOWNSHIP, LEHIGH COUNTY,
PENNSYLVANIA

EXISTING CONDITIONS PLAN

FILE NUMBER
S-11966

SHEET NUMBER
1 OF 1

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Watson Land Company		File Number: CENAP 2019-00180	Date: April 3, 2019
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:

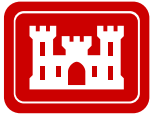
Mr. James W. Haggerty
Regulatory Program Manager (CENAD-PD-OR)
U.S. Army Corps of Engineers
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, New York 11252-6700
Telephone number: 347-370-4650

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.

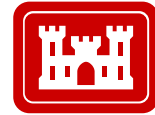
Date:

Telephone number:



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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): April 3, 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): CENAP-2019-00180 (91)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Pennsylvania County/parish/borough: Lehigh City: Upper Macungie Twp.

Center coordinates of site (lat/long in degree decimal format): Lat. 40.561253, Long. -75.469356

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: 26 Mar 2019 Field Date(s): 25 Mar 2019

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: "Landston Equities, LLC., Route 100 Property, Upper Macungie Township, Lehigh County, Pennsylvania, Existing Conditions Plan", Sheet 1 of 1, Scale: 1" = 100', Drawn by PMA of The Pidcock Company on February 20, 2019

☒ 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: Wetland Report, Watson Land Company, Route 100 Property - PA Route 100 & Route 222 Bypass, Upper Macungie Township, Lehigh County, PA, February 23, 2019

☐ 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: NWI Online Viewer

☐ State/Local wetland inventory maps. Citation:

☐ FEMA/FIRM maps. Citation:

☒ Photographs: ☒ Aerial. Citation: Penn Pilot Aerial Photos from 1958 and 1971 and Google Earth imagery from 1992 or ☐ Other. Citation:

☐ 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.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: The drainage feature originates as an erosional feature that does not meet the definition of a tributary. The feature receives artificial irrigation from an outfall located on the Lehigh County Pre-treatment Facility, which creates more permanent flow. The erosional feature ends up flowing into a

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.

stormwater control feature created in dry land. The stormwater control feature conveys the water into a cornfield. From the cornfield there is no observed surface hydrological connection to a water of the United States.

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.
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.
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.
Drainage Course	The drainage feature originates along the east side of the property and was formed by erosion caused by storm events. No bed/bank or ordinary high water mark were observed until the feature met an outfall for the Lehigh County Pre-treatment Facility. The outfall, known as Outfall #3, is part of the Lehigh County Pre-treatment Facility NPDES Permit #902202. More consistent flow, provided by the outfall, creates a more defined erosional feature for about 200 feet. The feature then enters a man-made swale that flows south under PA-222 before entering a cornfield. Once the water enters the cornfield, it does not appear to have any surface hydrological connection to a water of the United States. The hydrology for this drainage feature is primarily driven by stormwater runoff from the Lehigh County Pre-treatment Facility. A review of historic aerial imagery found no evidence of watercourses or erosional features within the study area prior to the construction of the Lehigh County Pre-treatment Facility. The drainage feature would likely revert to dry land should application of water to that area cease.
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

