



REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

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

July 8, 2019

Regulatory Branch  
Applications Section II

SUBJECT: CENAP-OP-R 2019-00362 (91)  
Project Name: North Whitehall Township Warehouse Spring Hill Drive LH  
Latitude and Longitude: 40.663112° N, -75.596515° W

Snyder, Secary & Associates, LLC.  
c/o Mr. Josh Hoffman  
2000 Linglestown Road, Suite 304  
Harrisburg, Pennsylvania 17110

Dear Mr. Hoffman:

This letter is written with regard to your request for verification of a jurisdictional delineation performed on your behalf by Advantage Engineers. The project center is located approximately 2,300 feet south of the intersection of Spring Hill Drive and Park View Drive, North Whitehall 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 September 6, 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 wetlands and waters identified in “Existing Conditions and Demolition Plan for North Whitehall Township Site for TC NE Metro Development, Inc., North Whitehall Township, Lehigh County, Pennsylvania”,  
\*\*\*\*\*  
SURVEY DESCRIPTION: “Existing Conditions and Demolition Plan for North Whitehall Township Site for TC NE Metro Development, Inc., North Whitehall Township, Lehigh County, Pennsylvania”, Sheet EX 2.0, Scale 1” = 120’, Drawn by JBH of Snyder, Secary & Associates, LLC on 4/16/2019.  
\*\*\*\*\*  
COMMENTS: Site inspection by representative of this office on May 30, 2019.  
\*\*\*\*\*

Enclosures

Copies Furnished:

PADEP (NERO)  
Lehigh County Conservation District  
North Whitehall Township  
Advantage Engineers

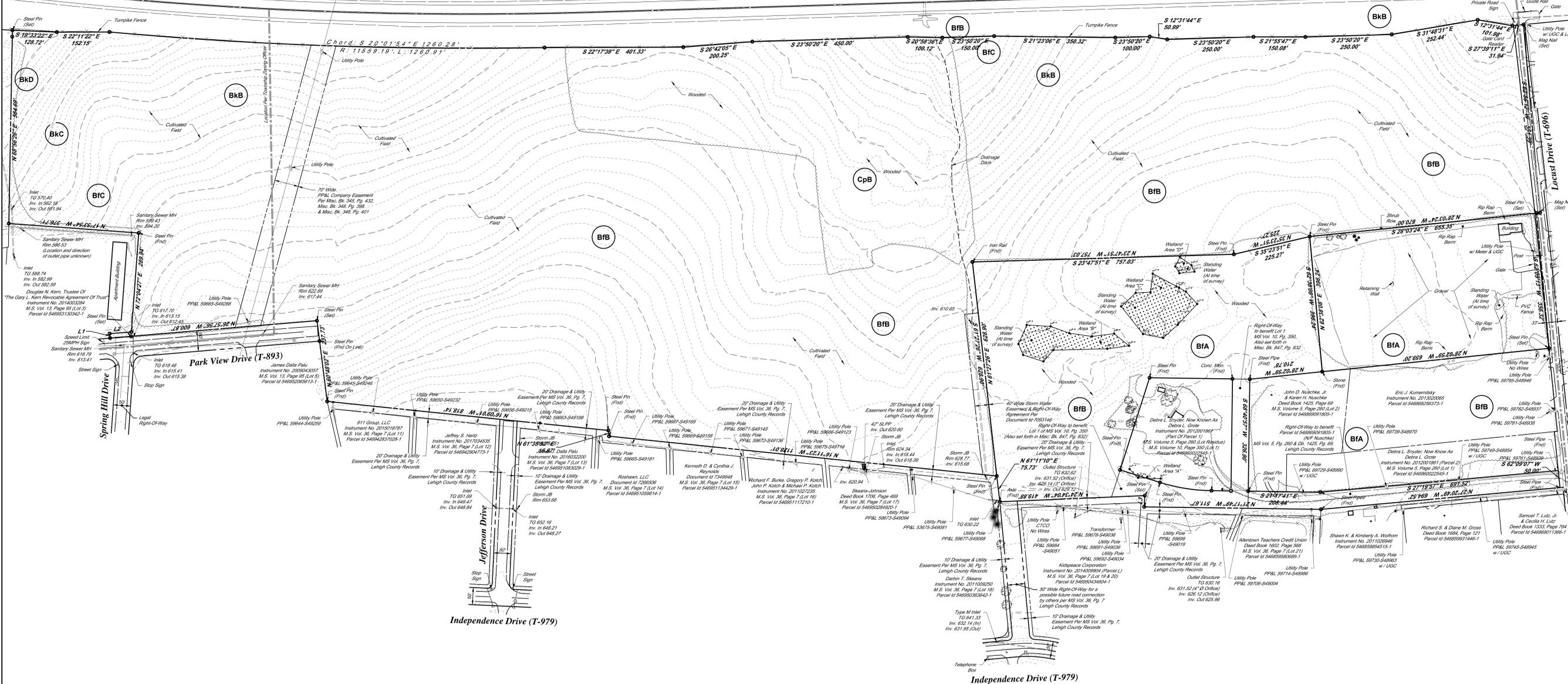
**LEGEND**

EXISTING BOUNDARY LINE	
EXISTING ADJOINER BOUNDARY LINE	
EXISTING RIGHT-OF-WAY LINE	
EXISTING CURB	
EXISTING PAVEMENT	
EXISTING CONTOUR LINE	
EXISTING STREAM	
MUNICIPAL BOUNDARY LINE	
EXISTING GRAVEL DRIVE	
EXISTING VEGETATION	
EXISTING TREELINE	
EXISTING FENCE	
EXISTING OVERHEAD ELECTRIC LINE	
EXISTING UNDERGROUND ELECTRIC LINE	
EXISTING GUIDE RAIL	
EXISTING WETLANDS	
EXISTING UTILITY POLE	
EXISTING WATER VALVE	
EXISTING FIRE HYDRANT	
EXISTING WATER LINE	
EXISTING SANITARY SEWER MANHOLE	
EXISTING SANITARY SEWER LINE	
EXISTING STORM MANHOLE	
EXISTING STORM INLET	
EXISTING STORM PIPE	
EXISTING GAS VALVE	
EXISTING GAS LINE	
EXISTING ELECTRIC TRANSFORMER	
EXISTING ELECTRIC MANHOLE	
EXISTING COMMUNICATIONS MANHOLE	
EXISTING CABLE TV BOX	
EXISTING GAS METER	
EXISTING GAS MANHOLE	
EXISTING TELEPHONE BOX	
EXISTING WATER METER PIT	
EXISTING WATER MANHOLE	
EXISTING WELL	
EXISTING LIGHT STANDARD	
ITEMS TO BE DEMOLISHED	

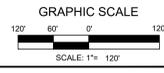


PROJ. MGR.	JBH
DESIGN	JBH
CADD	TSG
CHECKED	JSS
DATE	
REVISION	
NO.	
DATE	
NO.	

**Northeast Extension Of The Pennsylvania Turnpike (Route 476)**



**PRELIMINARY**



**EXISTING CONDITIONS & DEMOLITION PLAN**  
FOR  
**NORTH WHITEHALL TOWNSHIP SITE**

**Snyder Secary & Associates, LLC**  
ENGINEERS • PLANNERS • DEVELOPMENT CONSULTANTS  
HARRISBURG OFFICE  
2000 INGLETOWN ROAD  
HARRISBURG, PA 17110  
www.snydersecary.com  
717.651.1010

**PROJECT NO.**  
18-0190-008  
**DATE:** 04/16/18  
**SCALE:** 1" = 120'  
**SHEET**  
**EX 2.0**



®

## 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):** July 8, 2019

**B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ):** CENAP-2019-00362

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

State: Pennsylvania County/parish/borough: Lehigh City: North Whitehall Township

Center coordinates of site (lat/long in degree decimal format): Lat. 40.663112, Long. -75.596515.

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: 19 Jun 2019 Field Date(s): 30 May 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.

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: Wetlands and Watercourses Delineation Report, April 2019, For North Whitehall Township Site, East from the intersection of Spring Hill Drive and Park View Drive, North Whitehall Township, Lehigh County, Pennsylvania

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 Report provided by applicant

USFWS National Wetlands Inventory maps. Citation: NWI Online Viewer Map provided by applicant

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:

Applicable/supporting case law:

Applicable/supporting scientific literature:

Other information (please specify):

### **SECTION III: SUMMARY OF FINDINGS**

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

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

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

• **Complete Table 1 - Required**

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

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

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

• **Complete Table 1 - Required**

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

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

• **Complete Table 2 - Required**

(a)(3): The territorial seas.

• **Complete Table 3 - Required**

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

• **Complete Table 4 - Required**

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

• **Complete Table 5 - Required**

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

• **Complete Table 6 - Required**

Bordering/Contiguous.

Neighboring:

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

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

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

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

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

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

(a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

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

##### **Check all that apply.**

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

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

**Jurisdictional Waters of the U.S.**

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

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

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

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

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

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

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

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

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

<b>(a)(5) Waters Name</b>	<b>Flow Regime</b>	<b>(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows</b>	<b>Tributary Breaks</b>	<b>Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.</b>
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
N/A	Choose an item.	N/A	Choose an item.	N/A

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

<b>(a)(6) Waters Name</b>	<b>(a)(1)-(a)(5) Water Name to which this Water is Adjacent</b>	<b>Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.</b>
N/A	N/A	N/A

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

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

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

<b>SPOE Name</b>	<b>(a)(8) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus</b>	<b>Significant Nexus Determination</b> <b>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.</b>
North Whitehall Twp.	Wetland A	Lehigh River	Wetland A is a forested wetland approximately 0.02 acres in size. The wetland was identified to be approximately 3,600 feet from Coplay Creek, an (a)(5) water. Similarly situated waters within the Single Point of Entry (SPOE) watershed were aggregated and assessed in this Significant Nexus Determination. Land use within the SPOE watershed can be characterized as agricultural, suburban residential and urban development. In recent years, the watershed has experienced increased development pressure in the form of warehouses, shopping centers and housing developments. Forested wetlands are uncommon throughout the SPOE and likely play an important role in stormwater storage and pollutant filtering.
North Whitehall Twp.	Wetland B	Lehigh River	Wetland B is a forested wetland that is approximately 0.40 acres in size. The wetland was identified to be approximately 3,200 feet from Coplay Creek, an (a)(5) water. Similarly situated waters within the Single Point of Entry (SPOE) watershed were aggregated and assessed in this Significant Nexus Determination. Land use within the SPOE watershed can be characterized as agricultural, suburban residential and urban development. In recent years, the watershed has experienced increased development pressure in the form of warehouses, shopping centers and housing developments. Wetland B and similarly situated waters provide stormwater retention and the filtering of pollutants in an area that is primarily agricultural but has seen an increase in impervious surfaces due to development. These waters also provide forested wetland habitat for birds, mammals, reptiles and amphibians. This habitat type is important and unique in the SPOE watershed. Waters of this size and position are uncommon within the SPOE, making their contributions critical to the physical, chemical and biological integrity of the Lehigh River ((a) (3) water).
North Whitehall Twp.	Wetland C	Lehigh River	Wetland C is a forested wetland that is approximately 0.52 acres in size. The wetland was identified to be approximately 3,100 feet from Coplay Creek, an (a)(5) water. Similarly situated waters within the Single Point of Entry (SPOE) watershed were aggregated and assessed in this Significant Nexus Determination. Land use within the SPOE watershed can be characterized as agricultural, suburban residential and urban development. In recent years, the watershed has experienced increased development pressure in the form of warehouses, shopping centers and housing developments. Wetland C and similarly situated waters provide significant storage of stormwater after rain events and filter out pollutants from farmfields and impervious surfaces. These waters play an important role is groundwater recharge for the surrounding areas. Waters of this size and position are uncommon within the SPOE, making their contributions critical to the physical, chemical and biological integrity of the Lehigh River ((a) (3) water).

North Whitehall Twp.	Wetland D	Lehigh River	Wetland D is a forested wetland approximately 0.04 acres in size. The wetland was identified to be approximately 3,000 feet from Coplay Creek, an (a)(5) water. Similarly situated waters within the Single Point of Entry (SPOE) watershed were aggregated and assessed in this Significant Nexus Determination. Wetland D and similarly situated wetlands likely have more than speculative effects of the physical, chemical, or biological integrity of the Lehigh River. These wetlands may provide stormwater storage and pollutant filtering in a watershed with few forested wetlands.
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**Non-Jurisdictional Waters**

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

<b>SPOE Name</b>	<b>Non-(a)(7)/(a)(8) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus</b>	<b>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.</b>

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

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

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

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

DA Number: NAP-2019-00362 (North Whitehall Township Warehouse Spring Hill Drive LH)  
Applicant: Snyder, Secary & Associates, LLC (Agent: Leeron Tagger (Advantage Engineers, LLC))

### CWR Aquatic Resource PENNSYLVANIA

- 1. Aquatic Resource Name\* Water 1
- 2. Cowardin System\* Palustrine
- 2.1 Cowardin Class\* PFO-PALUSTRINE, FORESTED
- 3. Aquatic Resource Type\* a8 - waters with a wetland boundary and < 4000 feet of OHWM but NOT adjacent to an (a)(1)-(5) water
- Function(s)\*
  - (i) Sediment trapping
  - (ii) Nutrient recycling
  - (iii) Pollutant trapping, transformation, filtering, and transport
  - (iv) Retention and attenuation of flood waters
  - (v) Runoff storage
  - (vi) Contribution of flow
  - (vii) Export of organic matter
  - (viii) Export of food resources
  - (ix) Provision of life cycle dependent
- Similarly Situated?\* YES
- Geographically and Physically Adjacent Waters per (a)(6) but subject to 33 USC 1344(f)(1)? \* YES
- 4. HGM Class
- 5. Local Waterway Name Wetland A
- 6. Measurement Type\* Area
- 7. Geometry\* Complete

#### Reopen Options

Reopen as New Version - Please Select - ▾

#### Commands

Reopen Return to List

DA Number: NAP-2019-00362 (North Whitehall Township Warehouse Spring Hill Drive LH)  
Applicant: Snyder, Secary & Associates, LLC (Agent: Leeron Tagger (Advantage Engineers, LLC))

### CWR Aquatic Resource PENNSYLVANIA

- 1. Aquatic Resource Name\* Water 2
- 2. Cowardin System\* Palustrine
- 2.1 Cowardin Class\* PFO-PALUSTRINE, FORESTED
- 3. Aquatic Resource Type\* a8 - waters with a wetland boundary and < 4000 feet of HTL but NOT adjacent to an (a)(1)-(5) water
- Function(s)\*
  - (i) Sediment trapping
  - (ii) Nutrient recycling
  - (iii) Pollutant trapping, transformation, filtering, and transport
  - (iv) Retention and attenuation of flood waters
  - (v) Runoff storage
  - (vi) Contribution of flow
  - (vii) Export of organic matter
  - (viii) Export of food resources
  - (ix) Provision of life cycle dependent
- Similarly Situated?\* YES
- Geographically and Physically Adjacent Waters per (a)(6) but subject to 33 USC 1344(f)(1)?\* YES
- 4. HGM Class
- 5. Local Waterway Name Wetland B
- 6. Measurement Type\* Area
- 7. Geometry\* Complete

### Reopen Options

Reopen as New Version - Please Select - ▾

### Commands

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DA Number: NAP-2019-00362 (North Whitehall Township Warehouse Spring Hill Drive LH)  
Applicant: Snyder, Secary & Associates, LLC (Agent: Leeron Tagger (Advantage Engineers, LLC))

### CWR Aquatic Resource PENNSYLVANIA

1. Aquatic Resource Name\* Water 3

2. Cowardin System\* Palustrine

2.1 Cowardin Class\* PFO-PALUSTRINE, FORESTED

3. Aquatic Resource Type\* a8 - waters with a wetland boundary and < 4000 feet of HTL but NOT adjacent to an (a)(1)-(5) water

- Function(s)\*

<input checked="" type="checkbox"/> (i) Sediment trapping	<input checked="" type="checkbox"/> (ii) Nutrient recycling
<input checked="" type="checkbox"/> (iii) Pollutant trapping, transformation, filtering, and transport	<input checked="" type="checkbox"/> (iv) Retention and attenuation of flood waters
<input checked="" type="checkbox"/> (v) Runoff storage	<input type="checkbox"/> (vi) Contribution of flow
<input checked="" type="checkbox"/> (vii) Export of organic matter	<input type="checkbox"/> (viii) Export of food resources
<input type="checkbox"/> (ix) Provision of life cycle dependent	

- Similarly Situated?\* YES

- Geographically and Physically Adjacent Waters per (a)(6) but subject to 33 USC 1344(f)(1)? \* YES

4. HGM Class

5. Local Waterway Name Wetland C

6. Measurement Type\* Area

7. Geometry\* Complete

### Reopen Options

Reopen as New Version - Please Select - ▾

### Commands

Reopen Return to List

Successfully Updated All Information.  
Successfully Finalized.

DA Number: NAP-2019-00362 (North Whitehall Township Warehouse Spring Hill Drive LH)

Applicant: Snyder, Secary & Associates, LLC (Agent: Leeron Tagger (Advantage Engineers, LLC))

### CWR Aquatic Resource PENNSYLVANIA

- 1. Aquatic Resource Name\* Water 4
- 2. Cowardin System\* Palustrine
- 2.1 Cowardin Class\* PFO-PALUSTRINE, FORESTED
- 3. Aquatic Resource Type\* a8 - waters with a wetland boundary and < 4000 feet of HTL but NOT adjacent to an (a)(1)-(5) water
- Function(s)\*
  - (i) Sediment trapping
  - (ii) Nutrient recycling
  - (iii) Pollutant trapping, transformation, filtering, and transport
  - (iv) Retention and attenuation of flood waters
  - (v) Runoff storage
  - (vi) Contribution of flow
  - (vii) Export of organic matter
  - (viii) Export of food resources
  - (ix) Provision of life cycle dependent
- Similarly Situated?\* YES
- Geographically and Physically Adjacent Waters per (a)(6) but subject to 33 USC 1344(f)(1)? \* YES
- 4. HGM Class
- 5. Local Waterway Name Wetland D
- 6. Measurement Type\* Area
- 7. Geometry\* Complete

#### Reopen Options

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#### Commands

Reopen Return to List

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

Applicant: Snyder, Secary & Associates, LLC		File Number: CENAP 2019-00362	Date: July 8, 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: