



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

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 9/10/2020

ORM Number: CENAP-OP-R-2019-01068-86

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Pennsylvania City: Morrisville County/Parish/Borough: Bucks

Center Coordinates of Review Area: Latitude 40.192628 Longitude -74.762496

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
Waters of the Unites States: Area 1 (Delaware River)	1.96	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	Area 1 is a portion of the Delaware River that is directly abutting the subject property. The Delaware River is a tidal water that is subject to the ebb and flow of the tide.
Waters of the Unites States: Area 3 (Delaware River)	0.127	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	Area 3 is a portion of Biles Creek which directly flows from the Delaware River and is directly abutting the subject property. Biles Creek is a tidal water that is subject to the ebb and flow of the tide.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
Waters of the Unites States: Area 1 (Delaware River)	1.96	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water	Area 1 is a portion of the Delaware River that is directly abutting the subject property. The Delaware River is a tidal water that is subject to the ebb and flow of the tide.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
			is subject to the ebb and flow of the tide.	
Waters of the United States: Area 3 (Biles Creek)	0.127	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	Area 3 is a portion of Biles Creek which directly flows from the Delaware River and is directly abutting the subject property. Biles Creek is a tidal water that is subject to the ebb and flow of the tide.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Waters of the United States: Area 2	0.183	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Area 2 is an Unnamed Tributary that directly flows to Biles Creek an (a)(1) waterway.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	0.33	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wetland A is a non-riparian floodplain basin that receives direct flow from the Unnamed Tributary to Biles Creek (a)(1) waterway during normal rainfall events in a typical year. Wetland A and Wetland B are separated by an artificial barrier, also known as 10th street. There is a culvert connecting Wetland A to Wetland B which directly abuts the (a)(2) waterway.
Wetland B	4.90	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland B abuts Waters of the United States: Area 1, 2 and 3.

**D. Excluded Waters or Features**



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland N	1.11	acre(s) (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Wetland N is an isolated stormwater retention basin that was constructed in uplands in the 70s. As documented in a series of aerial photographs provided by the applicant. Photographs in file.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Plans prepared by Maser Consulting, dated 4/20/20, revised 6/25/20, identified as: “Wetland Location Plan for Stalwart Morrisville, Parcels #13-47-97, #13-47-97-1, #13-47-95, #13-47-96, Township of Falls, Bucks County, Pennsylvania,” sheets 1 through 7 of 7.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Other: Wetland Investigation Report for Parcels Numbers: 13-47-95, 13-47-96, 13-47-97, and 13-47-97-1, 2300 South Pennsylvania Avenue, Falls Township, Bucks County, Pennsylvania. Attachment C - Annotated Color Photographs 1 through 30.](#)

Corps site visit(s) conducted on: [06/15/2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [“Custom Soil Resource Report for Bucks County, Pennsylvania 300 South Pennsylvania Avenue” dated March 4, 2020.](#)

USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Data Source (select)	Name and/or date and other relevant information
Other Sources	N/A.

**B. Typical year assessment(s):** The Corps Antecedent Precipitation Tool was used to determine that during 15 June 2020 site visit totals were within a Dryer than Normal Range. The output from running the tool is attached.

**C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.