



**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): 6/25/2020

ORM Number: CENAP-OP-R-2019-01187-86 Alliance Ventures LLC East Second Street

Associated JDs: N/A

Review Area Location¹: State/Territory: Pennsylvania City: Eddystone County/Parish/Borough: Delaware

Center Coordinates of Review Area: Latitude 39.856688 Longitude -75.331973

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)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

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	
N/A.	N/A.	N/A.	N/A.	N/A.

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

² 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.

³ 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.



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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)). ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.50	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	The recommendation of the U.S. Army Corps of Engineers Philadelphia District, Regulatory Branch is to define the Phragmites-dominated freshwater wetland in question under 33 CFR Section 328.3(b)(9).

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: [Plan prepared by BOHLER, dated 2/11/2020, revised 4/28/2020, entitled “Exhibit Plan”, Sheet EX-8.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The delineation report and approved plan are representative of what is occurring on the project site.](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- ☒ Photographs: [Aerial and Other: “Photograph Location Plan”, dated 11/13/19 and “Photo No. 1 through 6”, undated.](#)
- ☒ Corps site visit(s) conducted on: [12/16/2019, 1/31/2020, 2/10/2020](#)
- ☐ 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 Soil Map”, Scale 1:4,590](#)
- ☒ USFWS NWI maps: [“National Wetlands Inventory Map”, October 3, 2019](#)
- ☒ USGS topographic maps: [“Project Site Location Map”, Bridgeport, New Jersey – Pennsylvania, Scale 1:24000](#)

Other data sources used to aid in this determination:

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

⁴ 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.

⁵ 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.



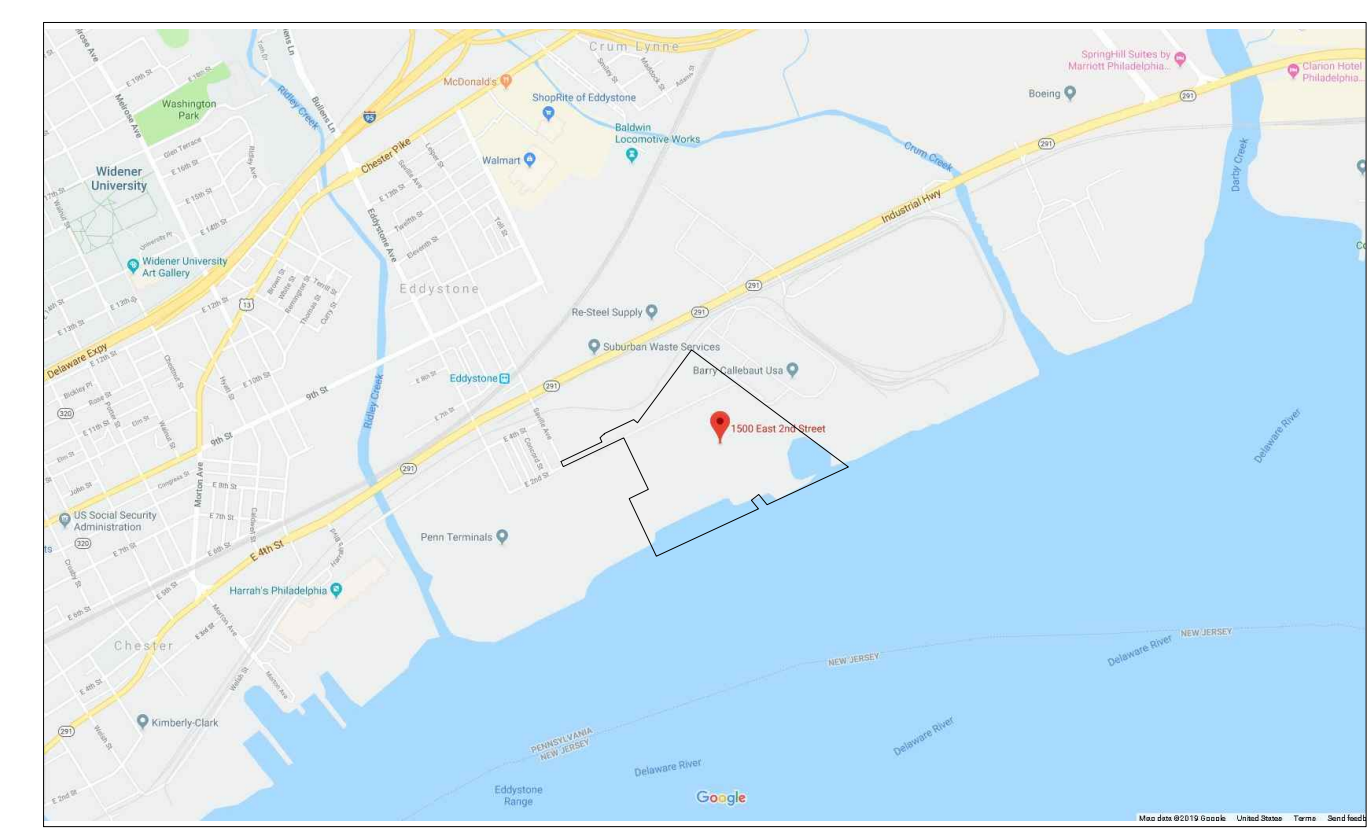
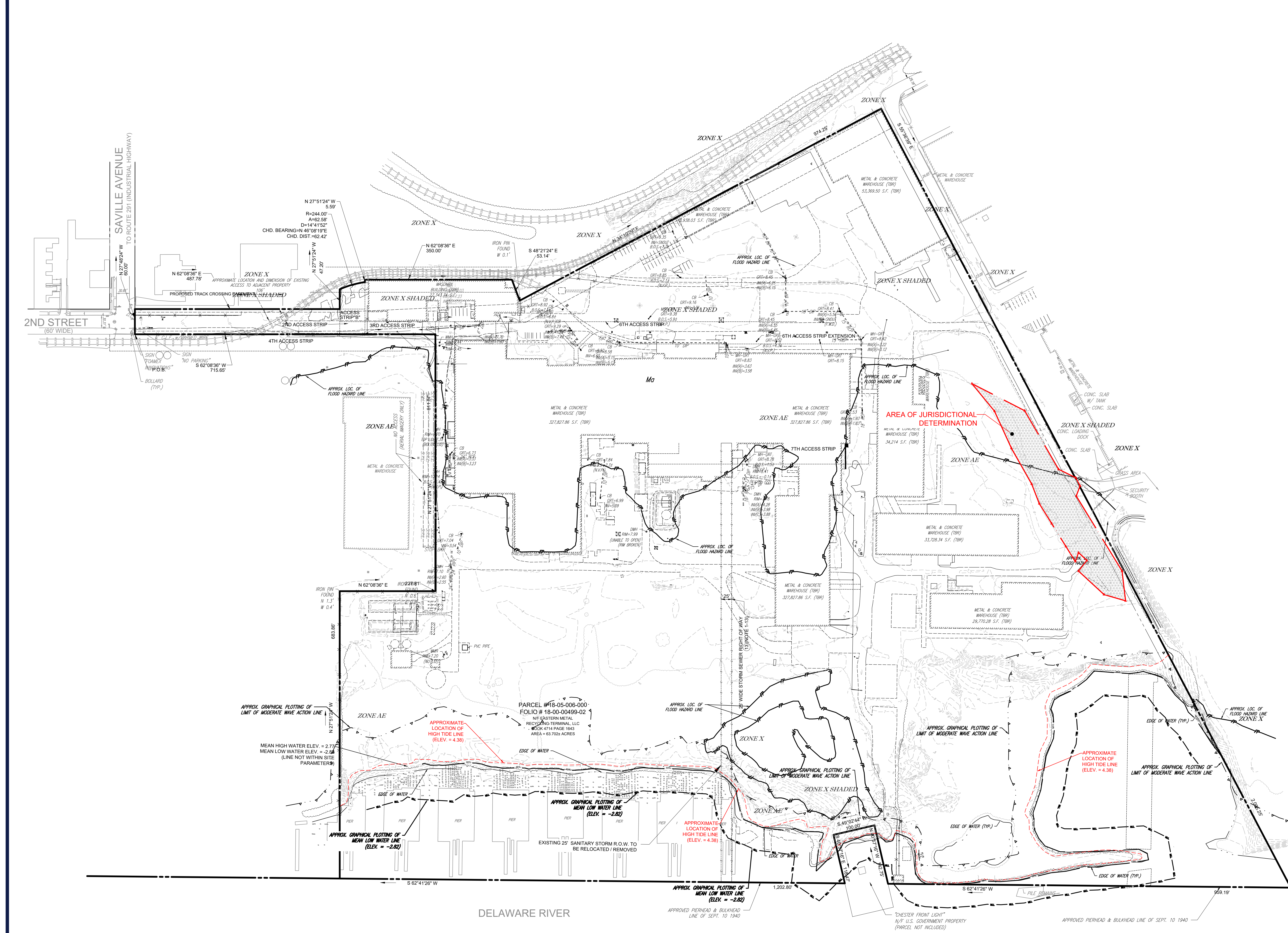
**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Data Source (select)	Name and/or date and other relevant information
Other NOAA data (specify)	"U.S. Coast and Geodetic Survey Chester Quadrangle Map Circa. 1894"
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	"National Flood Hazard Layer FIRMette", Dated 10/1/2019, Scale 1:6,000
Other NOAA data (specify)	"U.S. Coast and Geodetic Survey Bridgeport Quadrangle Map Circa. 1944"
Other NOAA data (specify)	"U.S. Coast and Geodetic Survey Bridgeport Quadrangle Map Circa. 1953"
Other NOAA data (specify)	"U.S. Coast and Geodetic Survey Bridgeport Quadrangle Map Circa. 1967"
Other NOAA data (specify)	"U.S. Coast and Geodetic Survey Bridgeport Quadrangle Map Present Day"

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: The Corps believes the wetland in question meets the above referenced definition of an excluded water for several reasons.

1. The site has been used since the 1940s for a number of different reasons. Fill material was placed on site in order to place rail road tracks in order to transport goods from ships from the Delaware River to upland facilities. Additional fill was placed on site to build up the shoreline. We assume this fill was placed here to stop the tide from flooding the factory buildings. During the site visits, the Corps identified small areas of fill throughout the site that looked to be discharged recently due to lack of vegetation growing on the piles. For these reasons, the Corps does not define this property as abandoned.
2. The wetland has a perched water table due to the construction activities completed in the past. Without the layer of asphalt, track ballast, and concrete, the area would not be holding water and would be considered an upland area.
3. There is no evidence of the wetland in question having any groundwater connection or tidal connection to the Delaware River, leading the Corps to believe that the water source for the wetland in question is strictly stormwater runoff.



LOCATION MAP

500 250 125 0 500
1"=500'

- ### GENERAL NOTES
- 1.) THIS PLAN REFERENCES DOCUMENTS AND INFORMATION BY:
 - A.) BOUNDARY & TOPOGRAPHIC SURVEY CONTROL POINT ASSOCIATES, INC. 1600 MANOR DRIVE, SUITE 100 CHALFONT, PA 18914 PREPARED FOR: ALLIANCE HSP FILE NO.: 02-180206-00 DATED: 12-17-2018 LAST REVISED: 05-31-2019
 - B.) ALTANSPS (2016) LAND SURVEY PREPARED FOR: 1500 EAST SECOND STREET PREPARED BY: TAYLOR WISEMAN & TAYLOR DATED: JULY 20, 2018 PROJECT NO.: 2018-03070.6002-SUR
 - 2.) THIS PLAN WAS PREPARED STRICTLY BASED UPON INFORMATION IDENTIFIED ABOVE.
 - 3.) THE PLAN REPRESENTED HEREIN IDENTIFIES A DESIGN CONCEPT RESULTING FROM LAYOUT PREFERENCES IDENTIFIED BY THE OWNER COUPLED WITH A PRELIMINARY REVIEW OF ZONING AND LAND DEVELOPMENT REQUIREMENTS AND ISSUES. THE FEASIBILITY WITH RESPECT TO OBTAINING LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS ARE NOT WARRANTED AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION AND VERIFICATION OF SAME REQUIREMENTS AND PROCUREMENT OF JURISDICTIONAL APPROVALS.
 - 4.) THIS PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY AND IS NOT INTENDED FOR UTILIZATION AS A CONSTRUCTION DOCUMENT. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON INFORMATION THAT WAS SUPPLIED TO OUR OFFICE AT THE TIME OF PLAN PREPARATION AND MAY BE SUBJECT TO CHANGE AND MUST BE UPDATED UPON PERFORMANCE OF ADDITIONAL DUE DILIGENCE.
 - 5.) ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), BASED ON GPS OBSERVATIONS UTILIZING PROPELLER AEROPONTS PROCESSED WITH THE PROPELLER NETWORK CORRECTION.
TEMPORARY BENCH MARKS SET:
TBM-A: MAG NAIL SET IN ASPHALT, ELEVATION= 12.35
TBM-B: MAG NAIL SET IN ASPHALT, ELEVATION= 9.56
PRIOR TO CONSTRUCTION IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT THE BENCHMARKS ILLUSTRATED ON THIS SKETCH HAVE NOT BEEN DISTURBED AND THEIR ELEVATIONS HAVE BEEN CONFIRMED. ANY CONFLICTS MUST BE REPORTED PRIOR TO CONSTRUCTION.
 - 6.) MEAN HIGH WATER LINE IS SHOWN GRAPHICALLY AND THE EXACT LOCATION MAY DIFFER FROM WHAT IS SHOWN ON THE SURVEY. ELEVATIONS STATED BELOW ARE BASED ON TIDAL BENCHMARK DESIGNATION H 10 RESET 1963 (PID JU0780) NAVD ELEV.= 7.80 WITH CONVERSION DATA PUBLISHED BY THE U.S. DEPARTMENT OF COMMERCE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) FOR STATION 8540433, MARCUS HOOK, PA.
MEAN HIGH WATER ELEV. = 2.77
MEAN LOW WATER ELEV. = -2.82
 - 7.) PER CONTROL POINT ASSOCIATES, INC. ERROR OF CLOSURE REPORT DATED 09/06/2019, ERROR OF CLOSURE = 0.0029

LEGEND

	EXISTING SANITARY MANHOLE		EXISTING SANITARY MANHOLE TO BE REMOVED
	EXISTING STORM SEWER MANHOLE		EXISTING STORM SEWER MANHOLE TO BE REMOVED
	EXISTING INLET		EXISTING INLET TO BE REMOVED
	EXISTING WELL		EXISTING WELL TO BE REMOVED
	EXISTING GAS VALVE		EXISTING GAS VALVE TO BE REMOVED
	EXISTING WATER VALVE		EXISTING WATER VALVE TO BE REMOVED
	EXISTING UTILITY POLE		EXISTING UTILITY POLE TO BE REMOVED
	EXISTING UTILITY POLE W/ LIGHT		EXISTING UTILITY POLE W/ LIGHT TO BE REMOVED
	EXISTING LIGHT POLE		EXISTING LIGHT POLE TO BE REMOVED
	EXISTING SIGN		EXISTING SIGN TO BE REMOVED
	CHAIN LINK FENCE		
	DEPRESSED CURB		
	EDGE OF PAVEMENT		
	LANDSCAPED AREA TO BE REMOVED		
	EXISTING TREES		EXISTING TREES TO BE REMOVED
	AREA OF JURISDICTIONAL DETERMINATION		

LINE LEGEND

	EXISTING PROPERTY BOUNDARY
	EXISTING EDGE OF WATER
	EXISTING FLOODPLAIN
	MEAN HIGH WATER LINE
	MEAN LOW WATER LINE
	LIMIT OF MODERATE WAVE ACTION
	PROPOSED LIMIT OF DISTURBANCE
	EXISTING CONTOUR
	EXISTING PASDA CONTOUR

BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS				
REV	DATE	COMMENT	REVISOR	CD
1	04-28-20	REVISED PER ACCE COMMENTS.	PA	CD

811
Know what's below.
Call before you dig.
PENNSYLVANIA
YOU MUST CALL 811 BEFORE ANY EXCAVATION
WHETHER IT'S ON PRIVATE OR PUBLIC LAND.
1-800-245-7779
www.pa1call.org

FOR EXHIBIT PURPOSES ONLY

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT. NO USE INDICATED OTHERWISE.

PROJECT No.: PP180623
DRAWN BY: DL
CHECKED BY: CO
DATE: 02-11-2020
CAD L.D.: PP180623 ACCE EXHIBIT (BASE7)

PROJECT:
JURISDICTION DETERMINATION EXHIBIT

FOR:
**ALLIANCE HSP
EDDYSTONE
WAREHOUSE, LLC**

PROPOSED INDUSTRIAL DEVELOPMENT

1500 E. 2ND STREET
EDDYSTONE BOROUGH
DELAWARE COUNTY, PA

BOHLER
1515 MARKET STREET, SUITE 920
PHILADELPHIA, PA 19102
Phone: (267) 402-3400
Fax: (267) 402-3401
www.BohlerEngineering.com

C. BROWN
PROFESSIONAL ENGINEER
PENNSYLVANIA LICENSE No. PE075317
DELAWARE LICENSE No. 18093
NEW JERSEY LICENSE No. 246109641400

SHEET TITLE:
EXHIBIT PLAN

SHEET NUMBER:
EX-8

REVISION 1 - 04-28-20

R:\1818PP\180623\20180623\ACCE EXHIBIT\PP180623 ACCE EXHIBIT (BASE7) - LAYOUT ACCE EXHIBIT