



**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): 7/28/2020
 ORM Number: CENAP-OP-R-2020-0413-24, North Penn Park View Stoltz Management MO
 Associated JDs: CENAP-OP-R-2006-0573-24 North Penn Park View MO
 Review Area Location¹: State/Territory: PA City: Lansdale/Hatfield County/Parish/Borough: Montgomery
 Center Coordinates of Review Area: Latitude 40.25404 Longitude -75.27843

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 or describe rationale.
- 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.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
UNT to Neshaminy Creek	0.342 acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Section III-C below.

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.



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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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Ditches	2,500 linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	See Section III-C below.	
Stormwater Basin	0.5 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.	See Section III-C below.	

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: "Wetland Report for Stoltz Management," prepared by Nova Consultants, Ltd., dated March 2019.

This information is sufficient for purposes of this AJD.

Rationale: N/A.

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and Other: Google Earth/Historic Aerials, various years; ground photos June 2020

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.



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- Corps site visit(s) conducted on: [June 25, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [CENAP-OP-R-2006-0573-24](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Montgomery County, 1967, Map 23](#)
- USFWS NWI maps: [U.S. FWS web site](#)
- USGS topographic maps: ["Telford" quadrangle](#)

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.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): See Paragraph 5 in Section III-C below with regard to findings from the Antecedent Precipitation Tool (APT).

C. Additional comments to support AJD: 1. On 25 June 2020, the subject property was inspected for the purpose of verifying the limits of waters and/or wetlands associated with a requested stand-alone Approved Jurisdictional Determination (AJD). The AJD was requested by Nova Consultants on behalf of the applicant, Stoltz Management Company.

2. The subject property is 118.09 acres in size, located at 1000 North Cannon Avenue, between Walnut Street and Moyers Road, in the Borough of Lansdale and Township of Hatfield, Montgomery County, Pennsylvania. The property consists of multiple tax parcels in both municipalities:

Hatfield Township: Lot 1(H), Parcel ID 35-00-10759-00-6 (27.00 acres)
Lot 1(H), Parcel ID 35-00-07006-00-6 (0.63 acre)

Lansdale Borough: Lot 1(L), Parcel ID 11-00-01368-00-7 (64.82 acres)
Lot 2(L), Parcel ID 11-00-08472-00-4 (19.21 acres)
Lot 3(L), Parcel ID 11-00-04624-00-9 (0.26 acres)
Lot 4(L), Parcel ID 11-00-01368-01-6 (0.23 acres)
Lot 6(L), Parcel ID 11-00-01368-03-4 (0.40 acres)
Ninth Street, to be extinguished (2.82 acres)
Other dedicated lands (2.72 acres)

It lies on the northwest side of SEPTA railroad tracks along the Walnut Street side. The property contains a large complex of commercial buildings, parking areas, access roads, maintained lawn and a small wooded area between the large buildings and Moyers Road. The site lies within the watershed of Neshaminy Creek in the Delaware River Basin. The property contains an unnamed tributary to the West Branch of Neshaminy Creek, which exits the property to the west via a culvert under Moyers Road.



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3. This property was the subject of a prior jurisdictional determination (JD) dated 14 February 2007 (CENAP-OP-R-2006-0573-24). That JD noted the tributary cited above, and also noted non-jurisdictional wetlands within a stormwater management basin. It noted a channel to the southeast of the large commercial building, which drains to the northwest via a 1,000-foot long pipe to the tributary. It also noted a long man-made swale or ditch in the northern part of the site, which also flows into the tributary. In addition, the prior JD noted other drainage features conducting stormwater to the basin. Those features all remain at the present time.

4. Review of historic topographic maps, soil survey and aerial photos showed the following:

- a. In an 1888 USGS topographic map, there is a blue-line stream running above (upstream of) Moyers Road, most of the way into the property approaching the railroad on the other side.
- b. The 1953 topographic map is similar, except the indicated stream does not go as far into the property (i.e. upstream). It goes approximately half-way up to the railroad, with none of the large commercial buildings in place.
- c. The 1980 topo map appears similar to today, with the indicated stream extending upstream to just below the large commercial building, which is present as of that time.
- d. An aerial photo from 1942 (Penn Pilot) shows a wooded corridor containing the stream channel extending above Moyers Road, nearly half-way to the railroad (similar to the 1953 topo map). There may be a ditch running from the railroad to a patch of woods near the center of the property, but it is difficult to tell. There is no obvious ditch or channel coming out of the woods or connecting to the stream. Building construction had not commenced yet.
- e. An aerial photo from 1958 (Penn Pilot) shows construction underway in the central portion of the site, with what appears to be a curved ditch connecting to the upper end of the stream/wooded corridor. Construction of a building in the southwestern portion of the property is complete.
- f. A 1960 aerial photo (Historic Aerials) shows the ditch extended farther up through the property, all the way to the railroad.
- g. An aerial photo from 1971 (Penn Pilot) shows the property similar to how it looks today, with much of that long ditch apparently piped.
- h. The 1967 soil survey, which is overlaid onto an aerial photo from that time, shows only the stream channel indicated from Moyers Road up to the limits of construction. There is also a small connecting channel, which presumably represents a constructed stormwater conveyance.

5. Prior to the 25 June 2020 on-site visit, the stream channel that exits the property under Moyers Road was inspected (from Moyers Road) on 12 June 2020. Immediately below Moyers Road, the stream had flowing water approximately 6 feet wide. According to the Antecedent Precipitation Tool (APT) for that date (which was indicated as "dry season"), conditions were considered "normal" for the preceding 90 days, with the immediately preceding 30 days classified as "dry." At the time of the on-site inspection (25 June 2020), the stream channel in question, both immediately below Moyers Road and on the subject property, had flowing water, averaging approximately 6 feet wide in most areas; although the flow was not as great as it was on 12 June 2020. The APT for 25 June 2020, also classified as the "dry" season, showed the preceding 90 days to be drier than normal for that period. In addition, the immediately preceding 30 days, as well as the 30 days prior to that, were both considered "dry."



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6. Conclusions:

- a. Based on observations of the unnamed tributary to Neshaminy Creek, on the site and just downstream (on two separate occasions with flowing water), along with the findings from the APT (i.e. drier than normal conditions in the dry season), this tributary is a perennial stream, and it is regulated as Waters of the U.S. as per 33 CFR 328.3(a)(2).
- b. Based on observations during the site inspection and review of remote imagery, the on-site ditches and stormwater management facilities are excluded as per 33 CFR 328.3(b)(5) and (b)(10), respectively. All of those features are man-made, and there is no conclusive evidence that they previously existed as, or within, waters or wetlands. The channel above the building, which is now piped for about 1,000 feet under the building, would appear to be a remnant of the ditch that appears in the 1960 aerial photo.

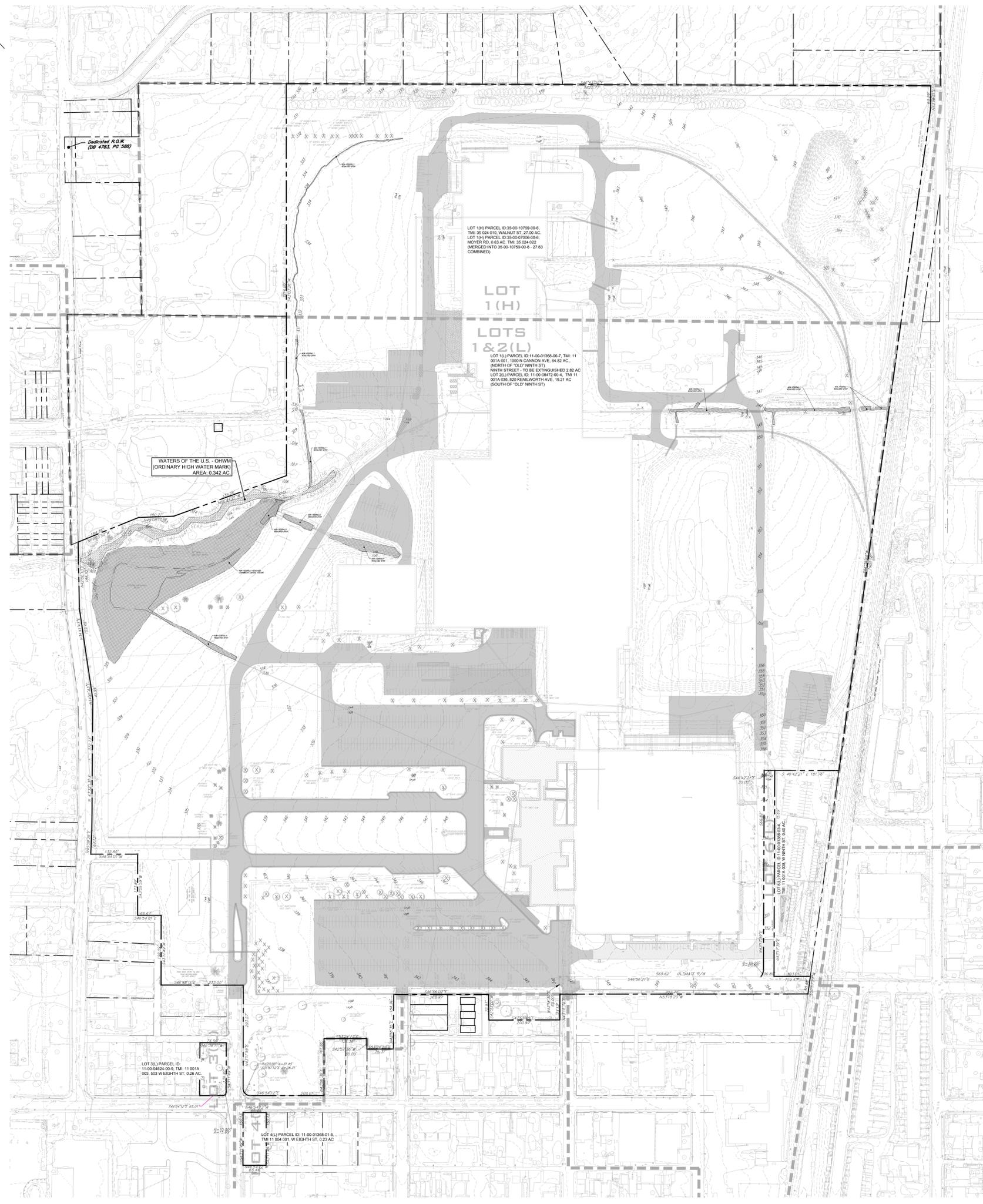
Waters_Name	Latitude	Longitude	Waters Size	Type Of Aquatic Resource
2020-413 Excluded Ditches	40.25362	-75.2762	2500 FEET	B5DITCH
2020-413 Excluded Stormwater	40.25531	-75.2821	.5 ACRES	B10STORM
2020-413 UNT to Neshaminy Creek	40.25571	-75.2814	.342 ACRES	A2TRIBPER

Geographic Authority

None

None

Section 404



LOT 1(H)
 TMI: 35 024 010, WALNUT ST. 27.00 AC.
 LOT 1(H) PARCEL ID 35-00-10759-00-6
 TMI: 35 024 022, MERGED INTO 35-00-10759-00-6 - 27.63 COMBINED

LOTS 1&2(L)
 LOT 1(L) PARCEL ID 11-00-01368-00-7, TMI: 11 001A 001, 1000 N CANNON AVE. 64.82 AC.
 NORTH OF 'OLD' NINTH ST.
 NORTH STREET - TO BE EXTINGUISHED 2.82 AC.
 LOT 2(L) PARCEL ID 11-00-01368-00-4, TMI: 11 001A 036, 820 KENLWORTH AVE. 19.21 AC.
 SOUTH OF 'OLD' NINTH ST.

WATERS OF THE U.S. - OHWM
 (ORDINARY HIGH WATER MARK)
 AREA: 0.342 AC.

LOT 3(L) PARCEL ID: 11-00-04624-00-9, TMI: 11 001A 003, 903 W EIGHTH ST. 0.26 AC.

LOT 4(L) PARCEL ID: 11-00-01368-00-6, TMI: 11 001A 001, W EIGHTH ST. 0.40 AC.

GENERAL NOTES

- BOUNDARY AND TOPOGRAPHIC DATA TAKEN FROM EXISTING FEATURES PLAN AS PART OF NORTH PENN PARK VIEW PREPARED BY FREDERICK PROPERTIES, LP BY HOBEL ENGINEERING COMPANY, LLC IN CONJUNCTION WITH URWELER & WALTER, INC., DATED JANUARY 29, 2005 AND LAST REVISED FEBRUARY 14, 2014. INTERIOR LOT LINES.
- BENCHMARK ELEVATION: 329.50
 DESCRIPTION: SANITARY MANHOLE RIM AT INTERSECTION OF MOYER ROAD AND NINTH STREET
- PURSUANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MAP 42091C0144E, EFFECTIVE DATE MARCH 12, 1996, NUMBER 4-20999 PANEL 0144, SUFFICIENT, NO 100 YEAR FLOOD LIMITS ARE CONTAINED WITHIN THE SUBJECT TRACT.
- A WETLANDS WETLANDS EVALUATION UTILIZING STANDARD PROCEDURES DEVELOPED BY THE U.S. ARMY CORPS OF ENGINEERS 1987 MANUAL HAS BEEN PERFORMED IN THE AREA OF PROPOSED SITE IMPROVEMENTS ON MARCH 14, 2019 BY NOVA CONSULTANTS LTD. NO WETLANDS WERE FOUND TO BE PRESENT AT THE SITE AND WATERS OF THE U.S. ARE DENOTED HEREON.

TOTAL LANDS: 118.09 ACRES

WATFIELD	LOT 1(H) PARCEL ID 35-00-10759-00-6, TMI: 35 024 010, WALNUT ST.	27.00 AC.
	LOT 1(H) PARCEL ID 35-00-07006-00-6, MOYER RD	0.93 AC.
	TMI: 35 024 022 (MERGED INTO 35-00-10759-00-6 - 27.63 COMBINED)	
LANDDALE	LOT 1(L) PARCEL ID 11-00-01368-00-7, TMI: 11 001A 001, 1000 N CANNON AVE.	64.82 AC.
	NORTH OF 'OLD' NINTH ST.	
	NINTH STREET - TO BE EXTINGUISHED	2.82 AC.
	SOUTH OF 'OLD' NINTH ST.	19.21 AC.
	LOT 2(L) PARCEL ID 11-00-04624-00-9, TMI: 11 001A 003, 903 W EIGHTH ST.	0.26 AC.
	LOT 3(L) PARCEL ID 11-00-01368-01-4, TMI: 11 001A 001, W EIGHTH ST.	0.24 AC.
	LOT 4(L) PARCEL ID 11-00-01368-01-4, TMI: 11 001A 036, W NINTH ST.	0.40 AC.
DECATIGATE LANDS	SEPA	1.91 AC.
	TOMAMONIC AVE DEDICATION	0.59 AC.
	CANNON AVE DEDICATION	0.31 AC.
	MOYER ROAD DEDICATION	0.44 AC.
	TOTAL:	118.09 AC.
LANDS NOT INCLUDED IN LAND DEVELOPMENT	PARCEL ID 1100104624 TMI 11 001A 036, ISOLATED LANDS WITHIN SCHWEIKER PARK.	0.0121 AC.

THE UTILITY INFORMATION SHOWN IS BASED ON INFORMATION PROVIDED BY THE PA ONE CALL SYSTEM AND THE OWNER. NO GUARANTEES OR WARRANTIES ARE MADE. THE CONTRACTOR SHALL VISIT THE SITE TO BECOME FAMILIAR WITH THE ACTUAL CONDITIONS AND SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTENCE AND LOCATION OF UTILITIES BEFORE COMMENCING WORK. CONTACT PA ONE CALL (1-800-242-1776) A MINIMUM OF THREE BUSINESS DAYS PRIOR TO START OF CONSTRUCTION.



PENNSYLVANIA ONE CALL SYSTEM, INC.
 CALL 3 WORKING DAYS BEFORE YOU DIG
 1-800-242-1776
 POC SERIAL NUMBER: 20191983725-000 (JULY 17, 2019)



DUFFIELD ASSOCIATES
 Soil, Water & Air Engineering

5400 LIMESTONE ROAD
 TOWNSHIP, PA 17866-1232
 TEL: 717-239-6634
 FAX: 717-239-6634

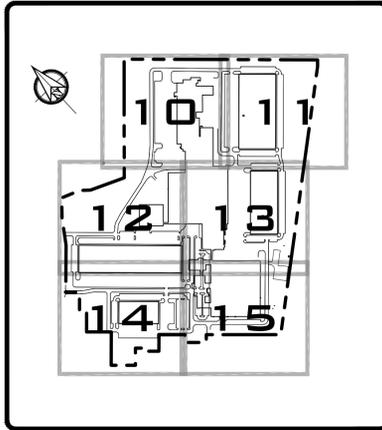
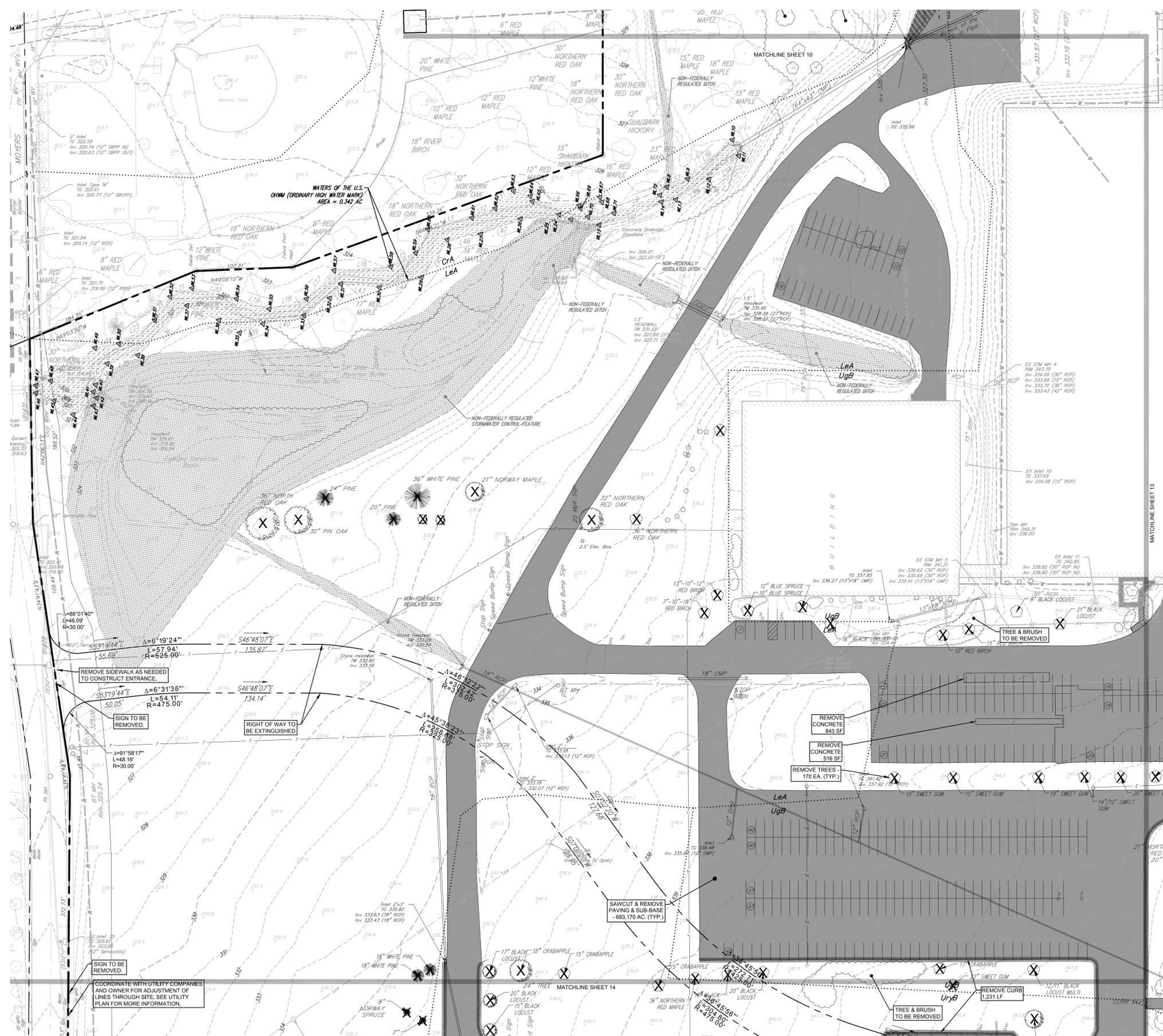
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
 WEB: HTTP://WWW.DUFFIELD.COM
 EMAIL: DUFFIELD@DUFFIELD.COM

NO.	REVISION	DATE	BY	CHKD BY	FILE NAME
1	PROPOSED LAND DEVELOPMENT	07/15/2020	MM	MM	PROPOSED
2	HATFIELD TOWNSHIP SUBMISSION	07/15/2020	MM	MM	PROPOSED
3	LANDDALE BOROUGH SUBMISSION	07/15/2020	MM	MM	PROPOSED
4	PEE AGENCIES COMMENTS	07/15/2020	MM	MM	PROPOSED
5	SHOW WALKS & INTERSECTIONS	07/15/2020	MM	MM	PROPOSED
6	BROUGHT UP WAY DEDICATIONS & INTERNAL SUBWAYS	07/15/2020	MM	MM	PROPOSED
7	PEE AGENCIES COMMENTS	07/15/2020	MM	MM	PROPOSED

OWNER: NORTHERN HOLDINGS, LLC
 722 CONROCKS STATE ROAD
 HATFIELD, PA 19041

**PRELIMINARY LAND DEVELOPMENT PLAN
 EXISTING FEATURES OVERALL PLAN
 NORTH PENN BUSINESS PARK
 1000 NORTH CANNON AVENUE
 LANDDALE BOROUGH-MONTGOMERY COUNTY-PENNSYLVANIA
 HATFIELD TOWNSHIP-MONTGOMERY COUNTY-PENNSYLVANIA**

DATE: 8 JULY 2020
 SCALE: 1" = 100'
 PROJECT NO. 12345.CA
 SHEET: 1 OF 1



KEY MAP SCALE: 1" = 800'

LINE TABLE		
LINE #	DISTANCE	BEARING
L1	10.88	N84°47'52"E
L2	50.78	S68°28'49"E
L3	27.13	S54°33'56"E
L4	11.33	S01°09'47"W
L5	22.97	N63°25'16"W
L6	5.45	S19°52'23"W
L7	22.97	S68°17'52"E
L8	48.26	S42°02'01"E
L9	5.82	S21°11'08"W
L10	18.05	S30°30'11"E
L11	25.85	S89°54'01"E
L12	25.84	S69°22'23"E
L13	46.85	S61°24'48"E
L14	27.13	N70°24'48"E
L15	29.31	S75°30'44"E
L16	58.47	S50°43'00"E
L17	40.69	N87°26'39"E
L18	39.75	S62°14'40"E
L19	35.21	S29°21'32"E
L20	47.06	S33°42'31"E
L21	24.15	S68°01'01"E
L22	28.85	N76°19'11"E
L23	44.12	S79°51'31"E
L24	24.95	S56°56'17"E
L25	56.71	S83°21'05"E
L26	16.00	S64°30'10"E
L27	7.83	N43°00'57"E
L28	20.34	N24°33'55"W
L29	24.31	N10°39'02"W
L30	22.62	N70°12'55"W

LINE TABLE		
LINE #	DISTANCE	BEARING
L31	8.87	S65°05'54"W
L32	7.19	S15°35'52"W
L33	7.37	S61°05'34"W
L34	24.79	S72°01'34"W
L35	32.68	N62°21'04"W
L36	71.76	S88°01'24"W
L37	35.96	N22°27'24"W
L38	24.89	N15°30'20"W
L39	25.66	N67°25'38"W
L40	43.24	N58°40'18"W
L41	31.73	N80°47'12"W
L42	18.81	S81°33'04"W
L43	39.74	N41°33'42"W
L44	44.45	N60°03'45"W
L45	47.09	S77°34'39"W
L46	34.75	N56°09'22"W
L47	43.95	N67°57'20"W
L48	39.95	N53°14'17"W
L49	13.11	N24°07'46"W
L50	29.80	N36°03'02"W
L51	68.20	N67°07'01"W
L52	15.02	N56°13'30"W
L53	40.06	N78°14'00"W
L54	39.10	N84°58'31"W
L55	17.64	S20°31'58"W
L56	61.07	S87°56'35"E
L57	22.81	S67°53'36"E

AREA OF "WATERS OF THE US" = 0.342 AC.

NOTE:
FOR A LEGEND SEE SHEET 3

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POCS SERIAL NUMBER: 20191983725-000 (JULY 17, 2019)



DUFFIELD ASSOCIATES
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WILMINGTON, DE 19808-1232
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WEB: HTTP://DUFFIELD.COM
E-MAIL: DUFFIELD@DUFFIELD.COM

CHECKED BY: MKK
DESIGNED BY: WJI
DRAWN BY: WJI
FILE NAME: 123045.DWG
DATE: 4/10/2019
MICHAEL J. KASZYNSKI, P.E.
Professional Engineer
Professional Seal
STATE: PENNSYLVANIA, P.E. #055741E

NO.	REVISION
1	PER BOROUGH AND TOWNSHIP COMMENTS
2	HATFIELD TOWNSHIP SUBMISSION
3	LANSDALE BOROUGH SUBMISSION
4	PER AGENCIES COMMENTS
5	SIDEWALKS & INTERSECTIONS
6	RIGHT OF WAY ADJUSTMENT & INTERNAL SIDEWALKS
7	PER ARMY CORPUS OF ENG.

OWNER:
NORTH PENN LOGGING, LLC
C/O STOLZMAN GERMANTOWN CO.
725 CONROCKERS STATE ROAD
BALA CYNWYD, PA 19004
484-66-4848

**PRELIMINARY LAND DEVELOPMENT PLAN
EXISTING FEATURES PLAN
NORTH PENN BUSINESS PARK
1000 NORTH CANNON AVENUE
LANSDALE BOROUGH-MONTGOMERY COUNTY-PENNSYLVANIA
HATFIELD TOWNSHIP-MONTGOMERY COUNTY-PENNSYLVANIA**

DATE: 4 OCTOBER 2019
SCALE: 1" = 50'
PROJECT NO. 12345.CA
SHEET: 12 (OF 108)