



**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): 7/8/2020
 ORM Number: 2020-0089 (72) 300 Furnace Street & 326 South 2nd Street LH
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Pennsylvania City: Borough of Emmaus
 County/Parish/Borough: Lehigh
 Center Coordinates of Review Area: Latitude 40.532069 Longitude -75.486781

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
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.

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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral Stormwater swale 1	60	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps of Engineers Antecedent Precipitation Tool was run for the site using the day of the site visit (3 June 2020). The Antecedent Tool indicates the site visit was made under “Normal” precipitation amounts. Precipitation history from the WeatherUnderground.com indicates that the last precipitation was the Saturday, May 30, 2020 when 0.74 inches of rain fell. This was three days prior to the site visit. No water was observed in the channel during the site visit. This was three days prior to the site visit. The channel starts on the eastern side of the project area where sheet flow concentrates enough to begin forming channel. The channel flows downhill to the west all the way until intersects the drainage swale along until it the drainage swale that parallels the railroad tracks. At this point it flows a little to the northeast until it reaches a drop structure where the water enters a culvert and flows under the train tracks. On the far side of the tracks the culvert pipe ends and the channel is open for just two or three feet at which point it enters another culvert pipe. There is no information provided on where this water reemerges from the culvert pipe. More than likely it enters the storm sewer system of Emmaus.
N/A. Ephemeral Stormwater swale 2	334	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps of Engineers Antecedent Precipitation Tool was run for the site using the day of the site visit (3 June 2020). The Antecedent Tool indicates the site visit was made under “Normal” precipitation amounts. Precipitation history from the WeatherUnderground.com indicates that the last precipitation was on Saturday, May 30, 2020 when 0.74 inches of rain fell approximately 3 days prior to the site visit. No water was observed in the channel during the site visit. Channel 2 originates just off of the project area in an upland area where overland flow concentrates enough to form a channel. The channel flows generally north just to the east of the project boundary. At the project boundary

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				the channel enters a culvert pipe and continues to flow to the north for approximately 80 feet. The channel daylights again off of the project area. The entire portion where the channel is located within the project area it is enclosed inside the culvert pipe.
Wetland 1	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is an isolated wetland. The wetland is depressional in nature. There are no surface channels leading into or out of the wetland. This wetland does not contribute flow to a downstream navigable water.
Wetland 2	0.06	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is an isolated wetland. The wetland is depressional in nature. There is one surface channel that conveys surface drainage from the drainage ditch along the eastern side of the railroad bed into Wetland 2. This is based on the elevation difference between Wetland 2 and the drainage swale along the railroad tracks and the observation of debris sorting along the channel. This wetland does not contribute flow to a downstream navigable water.

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: [Environmental Consultation Service, inc.](#) “Request for USACE Jurisdictional Determination for 300 Furnace Street/326 S. 2nd St. 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: [Select.](#) [Undated photos included in the request for a JD](#)
- Corps site visit(s) conducted on: [3 Jun 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: [Web Soil Survey](#)
- USFWS NWI maps: [Allentown East, PA](#)
- USGS topographic maps: [USGS 1:24,000 quadrangle, Allentown East, PA](#)

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.



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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 the 3 June 2020 site visit precipitation totals were within the Normal Range. The output from running the tool is attached.
- C. Additional comments to support AJD:** The nearest water that appears to be an RPW (as seen on Google Earth) is approximately 4,200 feet to the south west of the project area near the intersection of Broad Street, Pennsylvania Avenue and 10th Street. At this location the headwaters of Leibert Creek, a tributary to the Little Lehigh Creek, emerges from a culvert pipe. No inlet to the pipe can be found within the surrounding area. It is assumed the remainder of the tributary has been enclosed over the years and is part of the storm sewer system at this point. The channel appears to be 7 to 8 feet wide as it emerges from the culvert structure.