



**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): *2/10/2021*

ORM Number: *CENAP-2015-00833*

Associated JDs: *This is a reissuance of an Approved JD set to expire on 15 Mar 2021 issued under the same ORM number.*

Review Area Location¹: State/Territory: *New Jersey* City: *Hardwick and Knowlton Townships*

County/Parish/Borough: *Warren*

Center Coordinates of Review Area: Latitude *40.967994* Longitude *-75.118856*

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
<i>N/A.</i>	<i>N/A.</i>	<i>N/A.</i>	<i>N/A.</i>

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
<i>N/A.</i>	<i>N/A.</i>	<i>N/A.</i>	<i>N/A.</i>

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

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
<i>N/A.</i>	<i>N/A.</i>	<i>N/A.</i>	<i>N/A.</i>

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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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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Rock Catchment Ditches A and B	0.066 acre(s)	(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).	The project area includes 2 ditches that were constructed as part of the construction of Interstate-80 where it cuts through the Kittatinny Ridge. The ditches were constructed to “catch” rocks the fell off of the vertical rock cuts and the steep mountain slope between the cuts and prevent them from entering the travel lanes of the interstate. Being that they are ditches, they were designed such that they are sloped to cross drains that convey any water they happen to collect under I-80 to the embankment above the Delaware River. The ditches are physical separated from the interstate by a “Jersey” style concrete barrier that prevents storm water from the interstate from entering the ditches. The only water entering the ditches is from the micro watershed of the mountainside and any seepage out of the vertical rock cuts that occurs.

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: [Memorandum from Dewberry Associates dated 25 Jan 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: This a reauthorization of a previous AJD that will expire 15 March 2021. Nothing has changed at the project site and most of the relevant information is already in the file from the previous AJD done under the same ORM number.¹³

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: Other: [Site photos taken by the Corps during our original site visit on 6 Oct 2015, Aerial photography from Google Earth and photos taken by the Mr. Brian Sayre of Dewberry Associates on 14 Jan 2021.](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [CENAP 2015-00833](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

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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- USDA NRCS Soil Survey: Title(s) and/or date(s).
- 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
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): N/A

C. Additional comments to support AJD: As stated above, the “ditches” in question were constructed as part of the interstate construction and were constructed for the purpose of controlling rock debris from entering the highway. They were not constructed for the purpose of controlling or draining any specific flows of water. The area of the ditches was created by the removal of the mountain ridge. The catchment areas would have been initially constructed in solid rock.

This is a reissuance of an approved jurisdictional determination originally issued on 15 March 2016. This approved jurisdictional determination is being reissued with no changes from the original.