



**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): 5/12/2020

ORM Number: NAP-2021-00081-95

Associated JDs: N/A

Review Area Location¹: State/Territory: Pennsylvania City: Borough of Perkasie

County/Parish/Borough: Bucks

Center Coordinates of Review Area: Latitude 40.383871° Longitude -75.276465°

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.

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
Feature A	285	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Features A (highlighted in blue on the enclosed drawing E-1) was determined to be a stormwater control feature, conveying stormwater runoff from offsite residential properties and a stormwater detention basin. This determination is in agreement with the definition of "stormwater control feature" in the 22 June 2020 Navigable Waters Protection Rule.

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: [Drawing E-1, entitled "Existing Features Plan", prepared by Lenape Valley Engineering, Sheet E-1, 16 October 2019, last revised 12 May 2021 by USACE; and data sheets prepared on 18 February 2017.](#)

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: Aerial Photos \(GoogleEarth\) dated 21 September 2020, 15 June 2018, 17 April 2016, 20 April 2014, 19 May 2012, 09 May 2010, 05 June 2004, 31 December 2001, and 12 March 1995. Site Photos dated 29 April 2021.](#)

☒ Corps site visit(s) conducted on: [29 April 2021 by Robert Youhas, Biologist, CENAP-Regulatory Branch, Applications Section II.](#)

☐ 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: [Bucks/Philadelphia County, PA Soil Survey Sheet #31.](#)

☒ USFWS NWI maps: [Quakertown, PA Quadrangle.](#)

☒ USGS topographic maps: [Quakertown, PA 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.

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

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

C. Additional comments to support AJD: Subsequent to the 29 April 2021 site visit, Mr. Robert Youhas, Biologist, CENAP-Regulatory Branch, contacted the Borough of Perkasio's municipal engineer and requested any available information regarding Feature A and the Borough of Perkasio's stormwater management system for the surrounding area. By email dated 10 May 2021, Perkasio Borough's engineer provided the most current Storm Sewer Collection System Map for Perkasio Borough and stated the following:

"The subject watercourse in question (i.e. Feature A) is known as 'E.B.P.-7' and flows from the stormwater detention basin located along Shadywood Place between Blooming Glen Drive and Meadow Drive to the Borough Line. The stormwater detention basin feeds this watercourse, which receives runoff from a portion of the Shadywood Development. The watercourse is also fed by the storm sewer system that runs up the south side of Blooming Glen Drive to N. 7th Street and down a portion of N. 7th Street. Based on the Storm Sewer Collection System Map and knowledge of the area, there are no ponds or watercourses that we are aware of that discharge into either the storm sewer system or detention basin. However, the Borough does have underground springs, especially along N. 7th Street, which may be contributing to the flow within the watercourse in question."

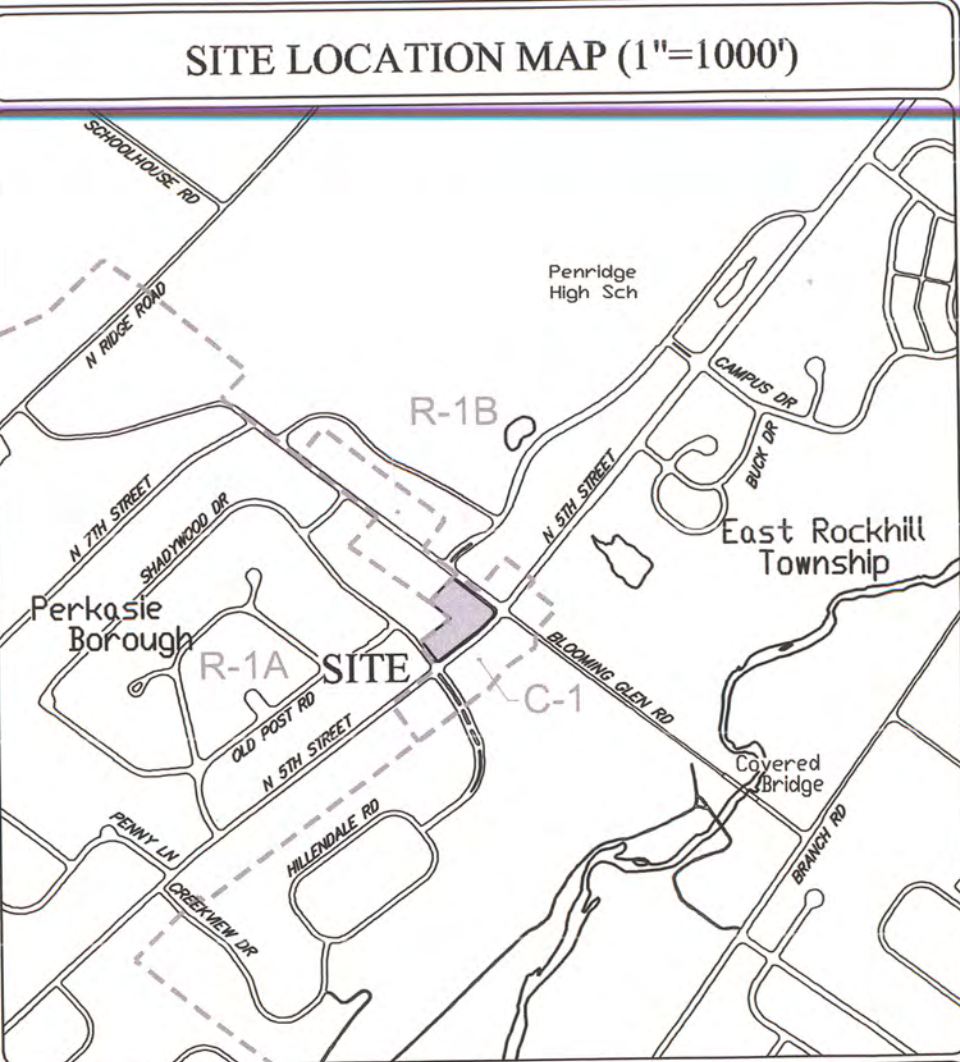
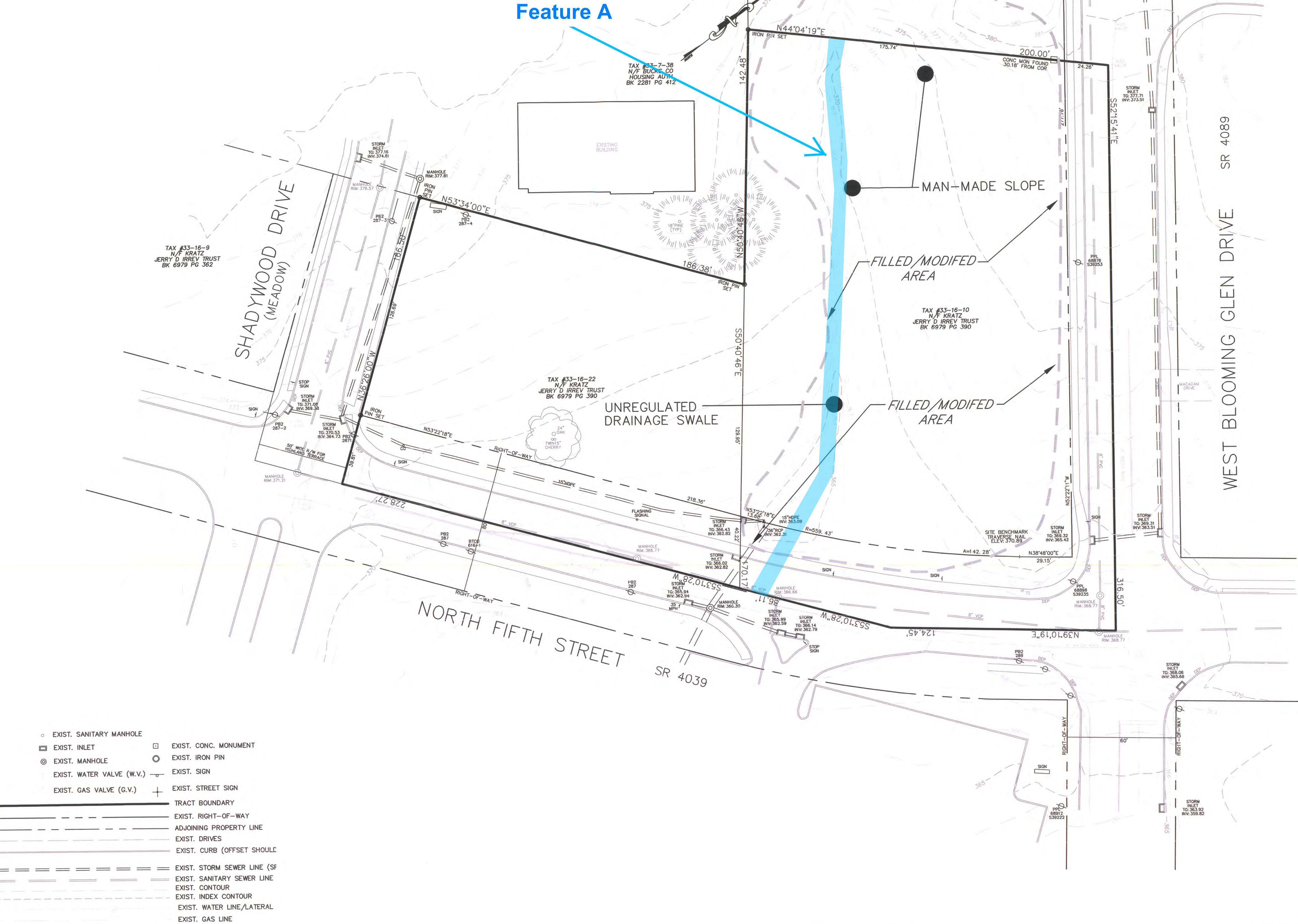
From review of all supporting information, including the information provided by the Borough of Perkasio's engineer, this office's determination is that Feature A is a stormwater control feature excluded from Clean Water Act jurisdiction under the 22 June 2020 Navigable Waters Protection Rule. Feature A conveys stormwater runoff from residential properties and a stormwater detention basin all located offsite to the northwest. This is in agreement with the definition of "stormwater control feature" in the 22 June 2020 Navigable Waters Protection Rule; and is also in agreement with the topography of the site and the surrounding land parcels, where elevation decreases from the northwest to the southeast. Any potential hydrological contribution from underground springs in the surrounding area is determined to be excluded from Clean Water Act jurisdiction under the 22 June 2020 Navigable Waters Protection Rule; specifically, the (b)(2) exclusion for groundwater, including groundwater drained through subsurface drainage systems. The remainder of the subject "Kratz Tract" was determined to be comprised of dry land in its entirety.

RESOURCE PROTECTION (PERKASIE BOROUGH) RESOURCE	OPEN SPACE RATIO	ACRES OF LAND IN RESOURCE	RESOURCE PROTECTION LAND	ALLOWABLE DISTURBANCE	PROPOSED DISTURBANCE
FLOODPLAINS	1.00	0	0	0	0
FLOODPLAIN SOILS	1.00	0	0	0	0
LAKES & PONDS	1.00	0	0	0	0
STEEP SLOPES:					
8%-15%	0.60	0	0	0	0
15%-25%	0.70	0	0	0	0
25% OR MORE	0.85	0	0	0	0
WOODLANDS (SENSITIVE)	0.80	0	0	0	0
WOODLANDS (NORMAL)	0.50	0	0	0	0
WETLANDS	1.00	0	0	0	0

STEEP SLOPES - THE ENTIRE PROPERTY AND SURROUNDING AREA IS LOCATED WITHIN URBAN LAND-ABBOTTSTOWN COMPLEX 0 TO 8% SLOPE RANGE. THIS PROPERTY HAS BEEN MODIFIED (REGRADED / FILLED) OVER THE YEARS, WHICH HAS RESULTED IN MAN-MADE STEEP SLOPE AREA. THE MAN-MADE STEEP SLOPE AREAS ARE NOT SUBJECT TO THE PROTECTION STANDARDS OF THE ZONING ORDINANCE.

REGULATED WATER FEATURES - THERE ARE NO REGULATED WATER FEATURES ON THIS PROPERTY. SEE WETLANDS/WATERS REPORT BY NOVA CONSULTANTS, LTD. DATED 2/24/17.

WOODLANDS - THERE ARE NO AREAS ON THIS SITE THAT MEET THE DEFINITION OF WOODLANDS. THE AREA CONTAINING TREES IS LESS THAN 1/4 ACRE IN AREA, AND THE VAST MAJORITY OF HEALTHY TREES ARE LESS THAN 10" IN DIAMETER.



TAX PARCEL INFORMATION		
SUBJECT TRACT MAY BE IDENTIFIED BY BUCKS COUNTY TAX INFORMATION AS FOLLOWS:		
PERKASIE BOROUGH		
RECORDED DEED DATA IS AS FOLLOWS:		
AS RECORDED IN THE OFFICE FOR THE RECORDING OF DEEDS, ETC., IN AND FOR THE COUNTY OF BUCKS AT DOYLESTOWN, PENNSYLVANIA		
TAX ID.	RECORD OWNER	TRACT AREA
33-016-010	JERRY D. KRATZ, IRREV. TRUST	1.4288 Ac.
33-016-022	762 E. MAIN ST. (FLOOR 2) LANSDALE, PA 19046	0.7891 Ac.

SOILS DATA

THE ENTIRE SITE IS LOCATED IN UGB- URBAN LAND - ABBOTTSTOWN COMPLEX, 0 TO 8 PERCENT SLOPES

AaA - ABBOTTSTOWN COMPLEX SOMEWHAT POORLY DRAINED, SLOW TO MODERATE PERMEABILITY, MODERATE EROSION HAZARD, LOW AVAILABLE WATER CAPACITY.

DEVELOPMENT LIMITATIONS: SEASONAL WETNESS. RESOLUTIONS: WETNESS CAN BE REDUCED THROUGH THE USE OF DRAINAGE SYSTEMS.

GENERAL NOTES

- BOUNDARY AND TOPOGRAPHICAL INFORMATION IS BASED ON AN ON-SITE SURVEY BY DENNIS M. LITZENBERGER, PLS, PERFORMED IN MARCH 2019.
- BEARING BASIS FOR THE BOUNDARY RETRACEMENT SURVEY HAS BEEN REFERENCED TO NAD83 PA STATE PLANE COORDINATES SYSTEM. (SOUTH ZONE).

ELEVATION DATUM - NAVD 1988

Plan Origination Date10-16-2019

LENAPE VALLEY
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EXISTING FEATURES PLAN

Prepared for
**MARK MCGUIRE & JERRY D. KRATZ,
IRREV. TRUST**
As part of
KRATZ TRACTS

PERKASIE BOROUGH
BUCKS COUNTY
PENNSYLVANIA

JASON T. SMELAND
PROFESSIONAL ENGINEER
PA NO. 059306

GRAPHIC SCALE
1"=30'

DRAWING SCALE
1"=30'

PROJECT NUMBER
2180

SHEET NUMBER
2 of 13