



**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): 7/13/2021
 ORM Number: CENAP-OPR-2021-00630-96
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Pennsylvania City: Allentown County/Parish/Borough: Lehigh County
 Center Coordinates of Review Area: Latitude 40.591194 Longitude -75.554383

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
Water 4	331 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Perennial waterway known as Little Cedar Creek which flows out into the Lehigh River and then the Delaware River.
Water 14	10 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Perennial waterway known as Cedar Creek which flows out into the Lehigh River and then the Delaware River.

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
Water 1	594	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.	Stormwater feature that does not meet (a)(1)-(4) water criteria.
Water 2	196	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.	Stormwater feature that does not meet (a)(1)-(4) water criteria.
Water 5	500	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.	Stormwater feature that does not meet (a)(1)-(4) water criteria.
Water 11	422	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.	Stormwater feature that does not meet (a)(1)-(4) water criteria.

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
Wetland 1	0.021	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland with no observed surface hydrological connection to a water of the United States.

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: [Information submitted by RK&K on May 26, 2021.](#)

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: [Other: Appendix F; Photographs 1 through 67, dated November 2017](#)
- Corps site visit(s) conducted on: [April 7, 2021](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [*provide detailed discussion in Section III.B.*](#)
- USDA NRCS Soil Survey: [Figure 2. Web Soil Survey, SR 309 Tilghman Street Interchange Project](#)
- USFWS NWI maps: [Figure 2. NWI and Soils Map; dated 2017](#)
- USGS topographic maps: [Figure 1. Project Location Map](#)

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	Aerial imagery from Google Earth & Google Maps

B. Typical year assessment(s): [The Antecedent Precipitation Tool was used to determine hydrologic site conditions. The analysis resulted in a Condition Value of 12, which is considered Normal. Therefore, Normal Conditions existed at the time of the site visit.](#)

C. Additional comments to support AJD: [N/A.](#)

DISTRICT	COUNTY	ROUTE	SECTION	SHEET
5-0	LEHIGH	0309	XXX	
REVISION NUMBER	REVISIONS	DATE	BY	

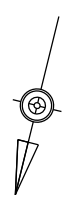
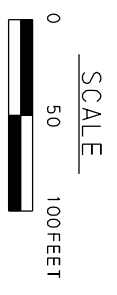


WETLAND AND WATERWAYS
DELINEATION PLAN

INDEX SHEET

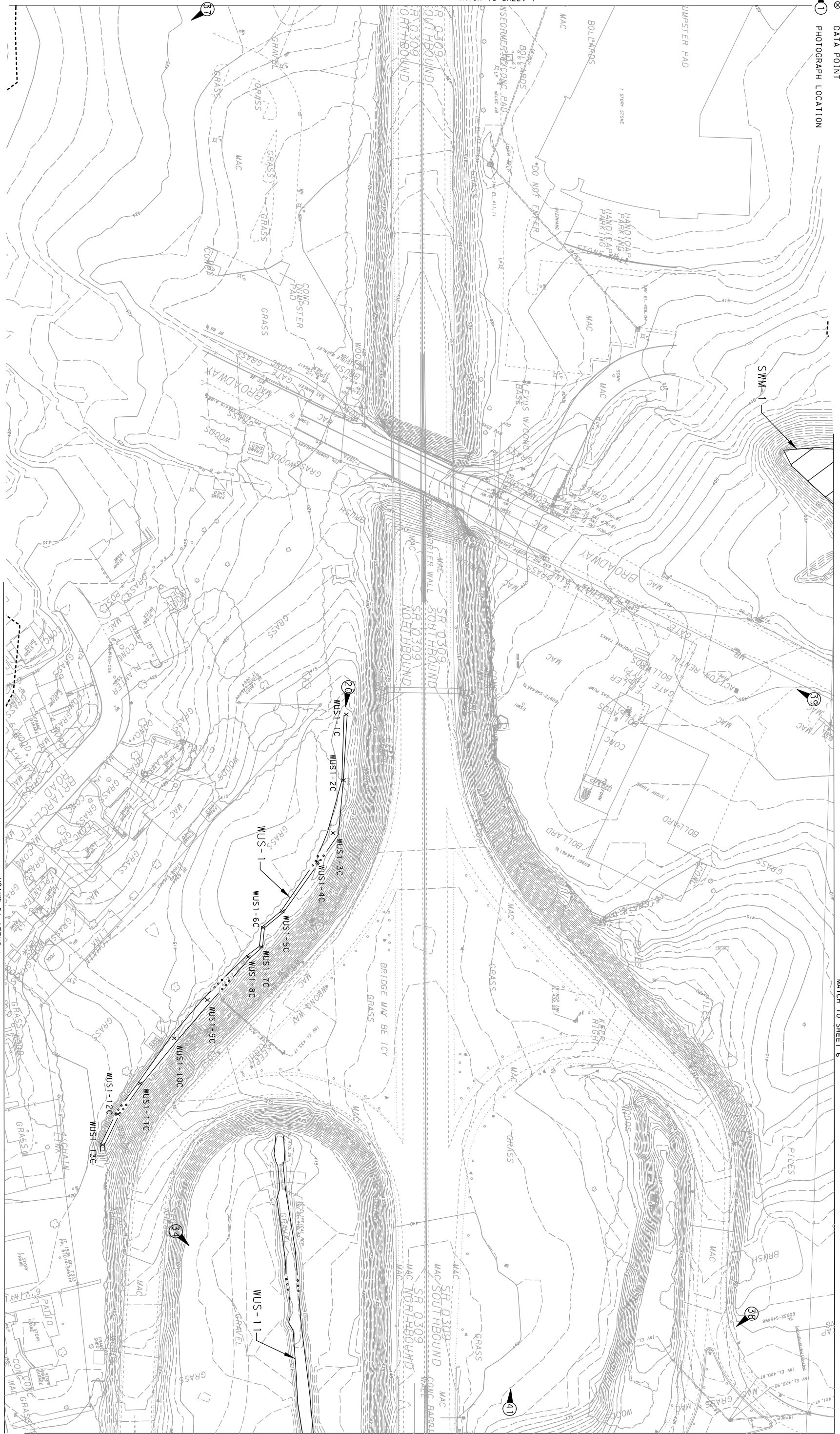
MATCH TO SHEET 1

- LEGEND**
- WETLAND BOUNDARY
 - STORMWATER MGMT POND
 - STREAM (WUS) BOUNDARY
 - EXISTING CONTOURS
 - WET 1-1 STREAM & WETLAND POINTS
 - WETLAND SURVEY BOUNDARY
 - DATA POINT
 - PHOTOGRAPH LOCATION



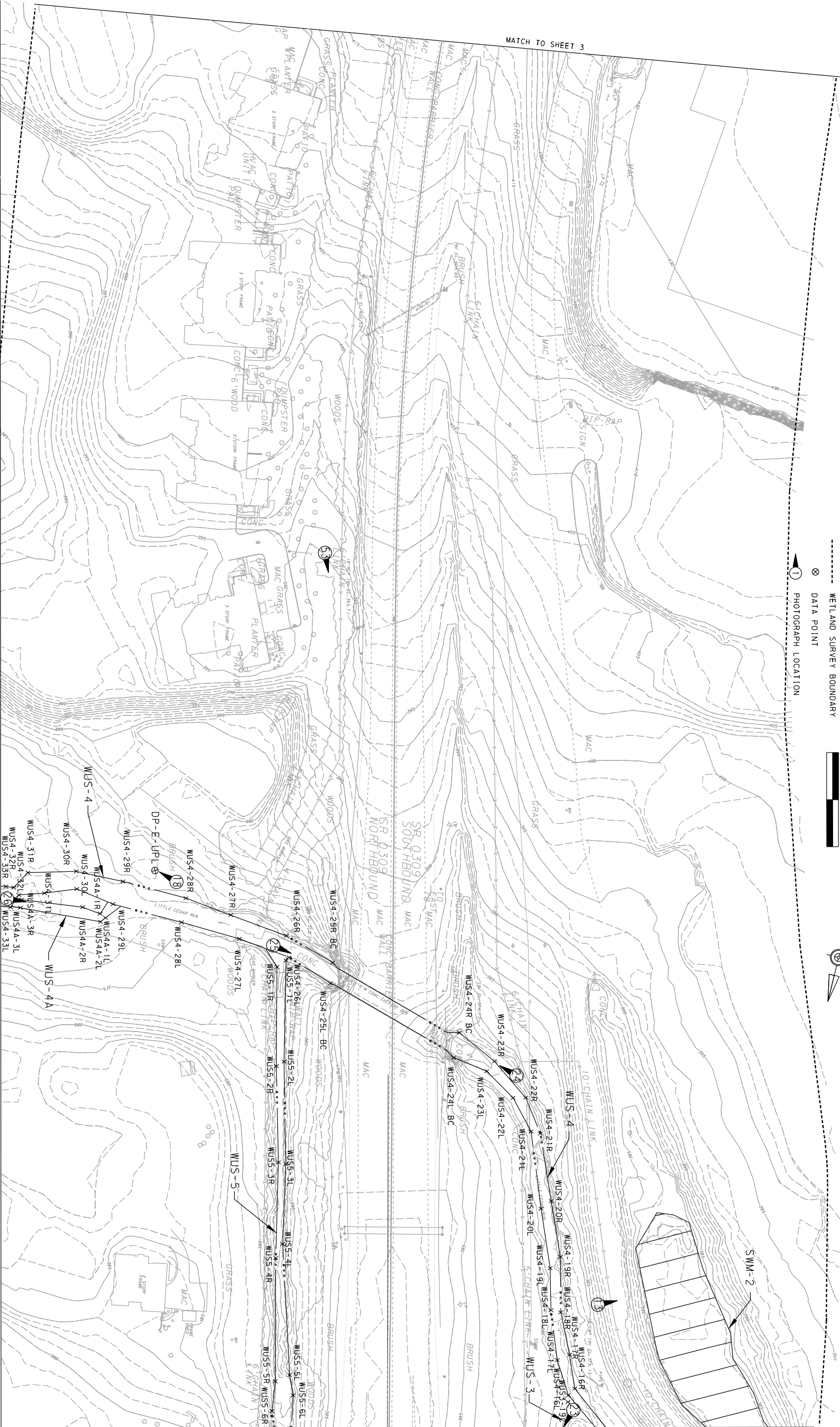
**WETLAND AND WATERWAYS
 DELINEATION PLAN**

DISTRICT	COUNTY	ROUTE	SECTION	SHEET
5-0	LEHIGH	0309	XXX	2 OF 23
REVISION NUMBER	REVISIONS	DATE	BY	



3 SHEET TO MATCH

4 SHEET TO MATCH

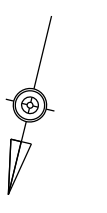


MATCH TO SHEET 3

9 SHEET TO MATCH

10 SHEET TO MATCH

- LEGEND**
- ▭ WETLAND BOUNDARY
 - ▭ STORMWATER MGMT POND
 - ▭ STREAM (WUS) BOUNDARY
 - EXISTING CONTOURS
 - WET 1-1 STREAM & WETLAND POINTS
 - WETLAND SURVEY BOUNDARY
 - ⊗ DATA POINT
 - ① PHOTOGRAPH LOCATION

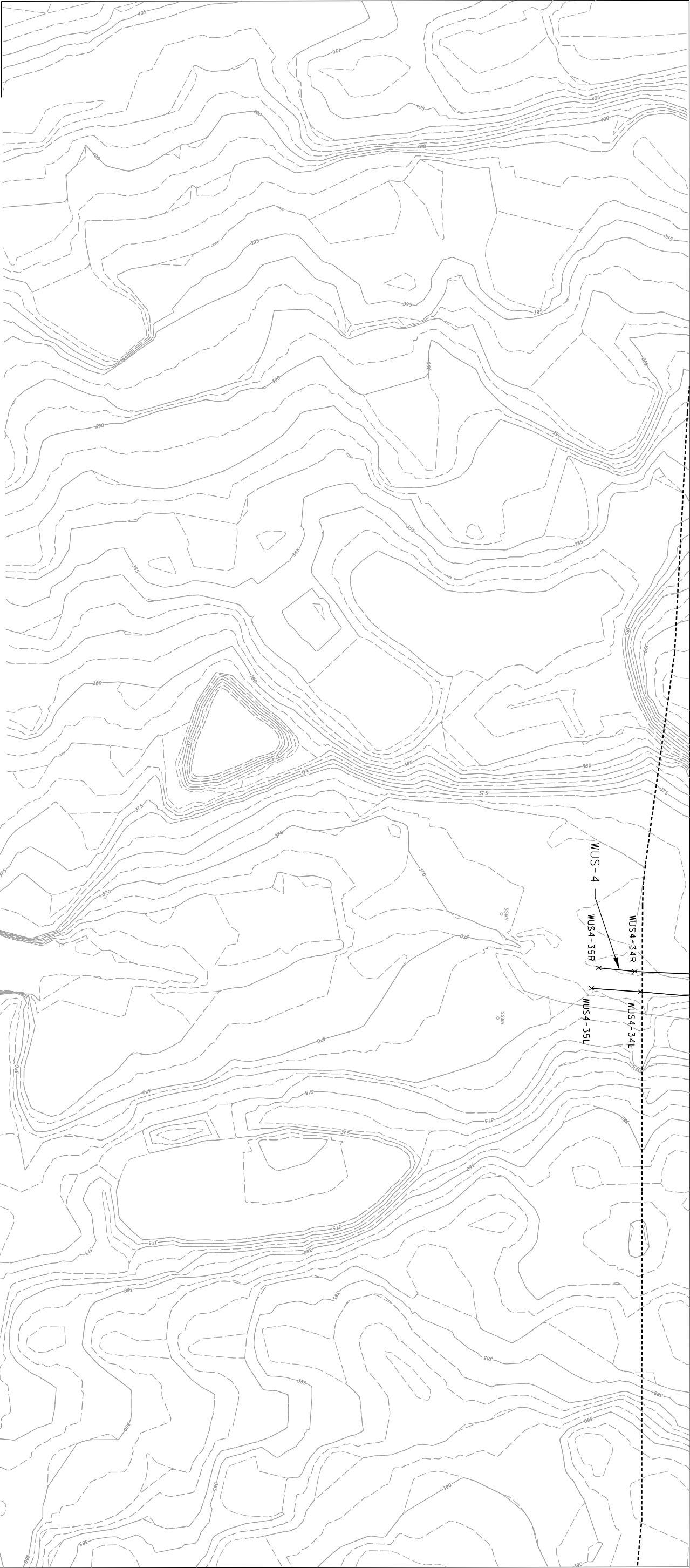


**WETLAND AND WATERWAYS
 DELINEATION PLAN**









DISTRICT	COUNTY	ROUTE	SECTION	SHEET
5-0	LEHIGH	0309	XXX	8 OF 23
REVISION NUMBER	REVISIONS	DATE	BY	

MATCH TO SHEET 5

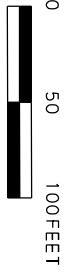
MATCH TO SHEET 3



LEGEND

-  WETLAND BOUNDARY
-  STORMWATER MGMT POND
-  STREAM (WUS) BOUNDARY
-  EXISTING CONTOURS
-  WET 1-1 STREAM & WETLAND POINTS
-  WETLAND SURVEY BOUNDARY
-  DATA POINT
-  PHOTOGRAPH LOCATION

SCALE



**WETLAND AND WATERWAYS
 DELINEATION PLAN**



DISTRICT	COUNTY	ROUTE	SECTION	SHEET
5-0	LEHIGH	0309	XXX	9 OF 23
REVISION NUMBER	REVISIONS			DATE
				BY

12 SHEET TO MATCH