



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

August 19, 2021

Regulatory Branch

SUBJECT: Approved Jurisdictional Determination NAP-2021-00665-91
134 Sage Road Allen Property MN
Latitude and Longitude: 41.080499° N, -75.424889 ° W

Mr. Curtis Allen
7515 Pleasure Ave
Sea Isle City, NJ 08243

Dear Mr. Allen:

This Approved Jurisdictional Determination (AJD) is provided in response to your request on July 15, 2021 for a determination of Federal jurisdiction by this office. The site associated with your request is located approximately 160 feet northwest of the intersection of Sage Road and E Emerald Lake Drive, Tobyhanna Township, Monroe County, Pennsylvania.

The findings of this AJD are documented in the **enclosed** AJD Form. The findings are also depicted on the **enclosed** plan(s) identified as the "study area" defined in "Survey Map of Lot 1113 Section B-1, Emerald Lakes", Sheet 1 of 1, Scale: 1" = 40', Drawn by BC on 4/7/2021, No Revisions.

A Department of the Army permit is required for work or structures in "navigable waters of the United States" pursuant to Section 10 the Rivers and Harbors Act (RHA) of 1899 and the discharge of dredged or fill material into "waters of the United States" pursuant to Section 404 of the Clean Water Act (CWA). Any proposal to perform these activities within areas of Federal jurisdiction requires prior approval by this office.

A site inspection was conducted by a representative of this office on the above-mentioned study area on July 16, 2021. It was determined that no federally regulated waters, including wetlands, are present on the above-mentioned study area. Therefore, this office has no geographic jurisdiction on the aforementioned study area. As such, a Department of the Army permit is NOT required for the discharge of dredged and/or fill material or to perform work and/or place structures on the aforementioned study area.

Food Security Act statement: The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss

the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five (5) years. This AJD is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify this AJD at any time should the existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

You may request an administrative appeal of this AJD if you do not accept this determination. Enclosed you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at the following address:

Ms. Naomi J. Handell
Regulatory Program Manager (CENAD-PD-OR)
North Atlantic Division, U.S. Army Corps of Engineers
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, NY 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5 and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **October 18, 2021**.

If you have any questions regarding this matter, please contact Mr. Nathan Fronk by email at Nathan.r.fronk@usace.army.mil or by phone at 267-284-6564.

Sincerely,

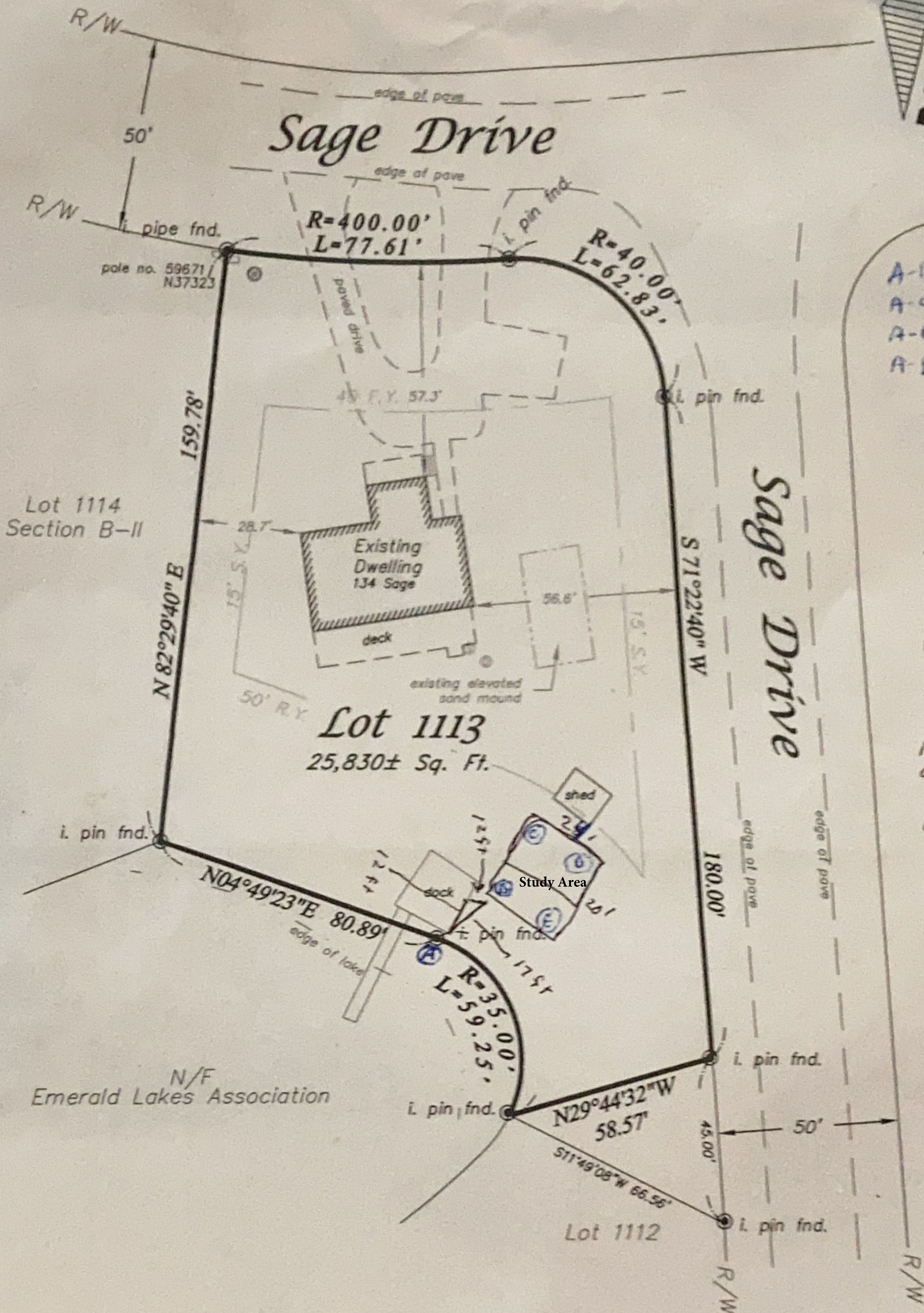
Glenn R. Weitknecht
Senior Project Manager

Enclosures

cc:

Northeast Region Office, PADEP
Monroe County Conservation District
Tobyhanna Township

Nathan. R. Frank @ USACE (army.mil)



A-B 204T
A-C 37.34T
A-D 52.64T
A-E 42.64T

20 x 24 ft
Garage
17 ft from
back corner
to front corner
of dock
Also same back
corner is
12 ft from side
of dock
12 ft in

* NOTE: SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND/OR COVENANTS AS OF RECORD, WHETHER SHOWN HEREON OR NOT. *

Survey Map of Lot 1113 Section B-I, Emerald Lakes

TOBYHANNA TOWNSHIP, MONROE COUNTY, PENNSYLVANIA

BRIAN D. COURTRIGHT, P.L.S.

P.O. BOX 333
POCONO SUMMIT, PA. 18346
PHONE: (570) 839-9986

B. D. Courtright

BRIAN D. COURTRIGHT, P.L.S.

PROFESSIONAL LAND SURVEYOR
PA. LIC. NO. 042013-R, N.J. LIC. NO. 34027

OWNER: Allen

DEED REF: 2555/2707

FILE MAP REF: 11/105

TAX MAP REF:

SCALE: 1"=40'

DATE: 4/7/21

FIELD BOOK: D.C.

SURVEY BY: BC

DRAWN BY: BC

CHECKED BY: BC

JOB NO.: 2020-104

REVISIONS



**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): 8/19/2021

ORM Number: CENAP-OPR 2021-00665

Associated JDs: N/A

Review Area Location¹: State/Territory: PA City: Tobyhanna Township County/Parish/Borough: Monroe

Center Coordinates of Review Area: Latitude 41.080505 Longitude -75.424984

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: No waters or water features present within study area based on site visit.
- ☐ 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. | |
| 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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

| | | | | |
|------------------------------------|-------------|------|-----------------|------------------------------------|
| 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. |
| 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 |
| N/A. | N/A. | N/A. | N/A. | N/A. |
| N/A. | N/A. | N/A. | N/A. | N/A. |

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: [Title\(s\) and date\(s\)](#)

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: [134 Sage Road, July 16, 2021](#)
- ☐ Photographs: [Other: Title\(s\) and/or date\(s\).](#)
- ☒ Corps site visit(s) conducted on: [July 16, 2021](#)
- ☐ 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, July 17, 2021](#)
- ☒ USFWS NWI maps: [NWI Online Viewer, July 17, 2021](#)
- ☐ 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): [No wetlands or waters were identified on the site.](#)

C. Additional comments to support AJD: [The review area is comprised of upland forest habitat.](#)

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.