



REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
1650 ARCH STREET, FIFTH FLOOR  
PHILADELPHIA, PENNSYLVANIA 19103-2004

02 Jan 2024

Regulatory Branch  
Application Section II

SUBJECT: NAP-2020-00796-46 (Approved Jurisdictional Determination & No Permit  
Required)  
NORTHPOINT US STEEL FAIRLESS WORKS  
Center Coordinates (40.142846°, -74.746824°)



Dear [REDACTED]:

This approved jurisdictional determination (AJD) letter is written with regard to your agent's request, on your behalf, for determination of Department of the Army jurisdiction by this office. It should be noted that this determination is a re-verification of Department of the Army jurisdiction under current Federal regulations over your project as originally issued on December 19, 2020 under the Navigable Waters Protection Rule now vacated. The lands associated with your request are an approximate 201 acre area depicted as "Limit of AJD Request" on the plans described below and bounded by Ben Fairless Boulevard, Sorrells Boulevard, Sinter Road, and South Port Road, identified as a portion of Tax Parcel 13-051-001 (201 acres), Borough of Morrisville, Falls Township, Bucks County, Pennsylvania. The project is associated with site remediation of the former US Steel Fairless Works steel mill and development of the proposed Phase 3 of the NorthPoint Keystone Trade Center.

The findings of this AJD are documented on the enclosed AJD Memorandum For the Record (Enclosure 1) and are depicted on the following:

- A) Sheets 1 and 2 of a 2-page plan set prepared by Gilmore and Associates, entitled "Preliminary – Final Subdivision & Land Development Plan, Keystone Trade Center – Area 3 Development, Falls Township, Bucks County, Pennsylvania," subtitled "Existing Features Plan (North)", Sheet Number 11 of 106, and "Existing Features Plan (South)," Project Number 2020-07083-33, Sheet Number 12 of 106, both dated 12/22/22, Tax Map Parcel 13-051-001, both un-revised, (Attachments E-1a and E1b);
- B) A single sheet plan prepared by Gilmore and Associates, entitled "Exhibit, Keystone Trade Center – Area 3 Development, Falls Township, Bucks County, Pennsylvania, Project Site Boundary Plan Exhibit," Project Number 2020-07083-33, Sheet Number 1 of 1, un-dated, un-revised (Attachment E-2).

Pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged and/or fill material into waters of the United States, including adjacent wetlands. Any proposal to perform the above activities within any waters of the United States, including wetlands, requires the prior approval of this office.

**This office has verified that the plans identified above accurately depict all delineated waters and wetlands in the "Limits of AJD Request". However, this office has also determined that such waters and/or wetlands are NOT subject to Department of the Army jurisdiction under either Section 10 of the Rivers and Harbors Act of 1899 or Section 404 of the Clean Water Act. Therefore, any work performed within the "Limits of AJD Request" will not require the approval of this office.** This 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 U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

This AJD is valid for a period of five (5) years and 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 (Enclosure 2) you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. Should you wish to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office within 60 days of the date on the form. Additionally, for the appeal to be accepted, the Corps must determine that it is complete and that it meets the criteria for appeal under 33 CFR Part 331.5. The form should be

[REDACTED] If you do not have the means to submit this form electronically, you may send it by mail to the Division office at:

[REDACTED]

If you have any questions regarding this matter, please contact me at [REDACTED]  
[REDACTED]

[REDACTED],  
[REDACTED]

Section Chief, Applications Section II

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COMMENTS: A site inspection by personnel of this office was performed on Feb. 10, 2023.

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Enclosures

[REDACTED]  
[REDACTED]  
[REDACTED]