



**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): 10/1/2020  
 ORM Number: CELRP-RG-S 2019-00777  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: PA City: Centerville Borough County/Parish/Borough: Washington  
 Center Coordinates of Review Area: Latitude 39.997274 Longitude -79.943720

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Impoundment (Pond 2)	6.46	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The impoundment contains underdrain piping that can drain into the Monongahela River; however, the riser structure which can control the water level on the impoundment is not currently used to control the water level of the impoundment. A “drawdown” permit was obtained from PA Fish & Boat Commission, and the owner plans to drain this area in the future. According to 33 CFR 328.3(c)(6), an impoundment of water is jurisdictional if it contributes surface water flow to a downstream jurisdictional water in a typical year. In this case, the position of the riser does not allow flow to occur into the Monongahela in a typical year. Similarly, a spillway separates the impoundment from the river. This spillway was delineated as PEM wetland and did not physically abut the impoundment or the Mon River. Surface water flow could theoretically be carried over this spillway into the Mon River, but the riser precludes the impoundment elevation from rising to this level. The impoundment is not connected via inundation by flooding to or from the Mon River in a typical year. Casual observation and a review of aerial photography (consulting the Antecedent Precipitation Tool) has shown that no overland flow occurs over the spillway connecting the impoundment feature to the Mon River. Given adjacent elevation contours and discounting the existing underdrain, it is not likely that water from the impoundment could drain from any other overland location than from the spillway. Thus, it was found that the impoundment was non-jurisdictional because of its lack of surface water flow to the Mon River in a typical year.

**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.

<sup>4</sup> 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.

<sup>5</sup> 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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Information submitted by, or on behalf of, the applicant/consultant: [Draft Wetlands/Waters Summary Report \(Geosyntec Consultants\), May 2019; Development Plan \(Geosyntec Consultants\) Sheet 3 of 9, Sept. 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [Delineation report shows photographs and boundary of measured aquatic resources; Development Plan shows boundary of proposed work \(i.e. work only within impoundment with other delineated aquatic features avoided\).](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Draft Wetlands/Waters Summary Report, Appendix B, May 2019; Historic Aerial photographs \(Geosyntec Consultants\) June 1939, July 1959, Sept. 1967, 1982, 1993, July 2004, 2006, 2010, Sept. 2015, May 2017, Oct. 2018; Digital Globe: Oct. 2017, April 2020.](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- 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: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [California 2019; Carmichaels 2019](#)

**Other data sources used to aid in this determination:**

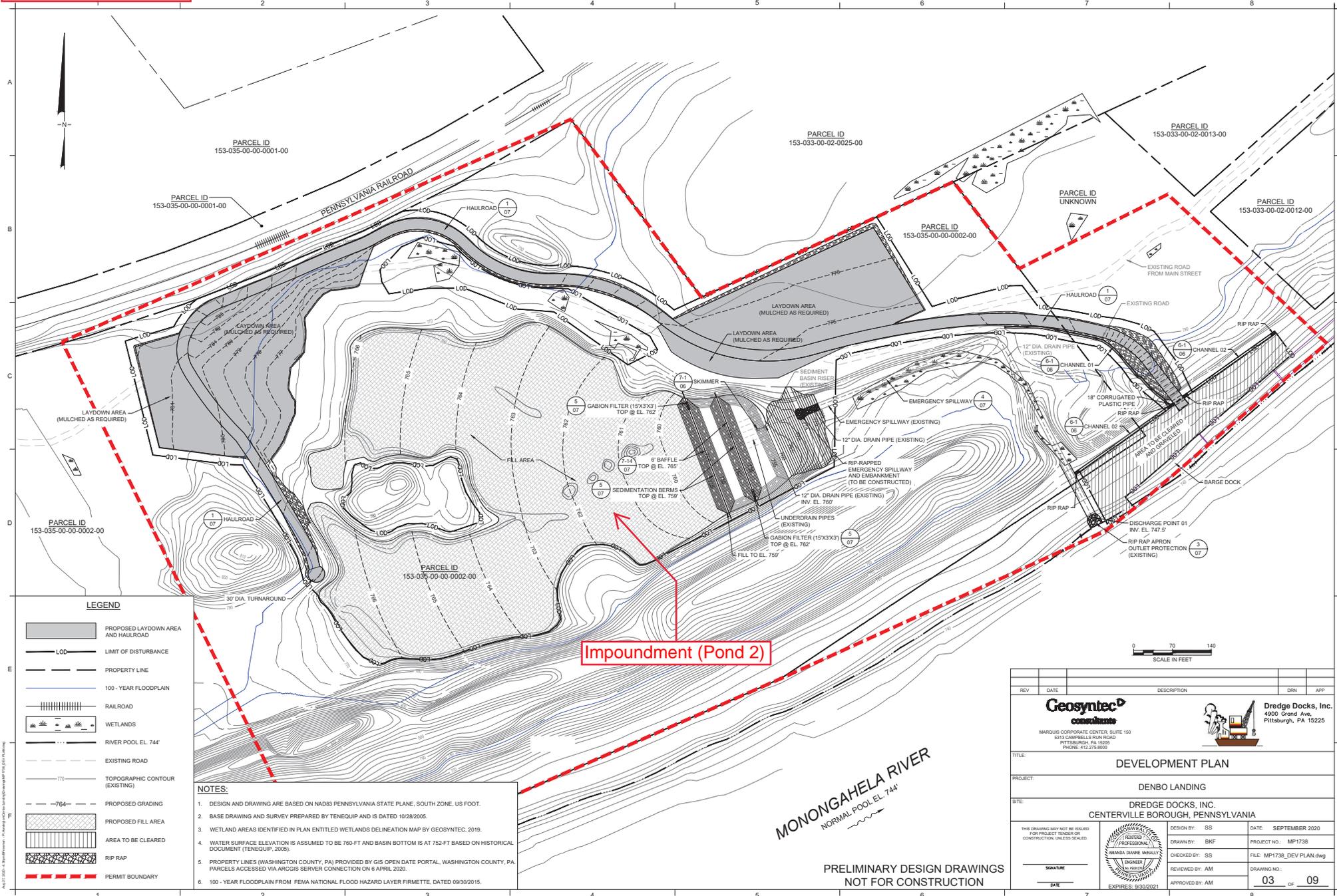
Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">FEMA/FIRM maps</a>	<a href="#">1% Annual Flood Depth Grid (2009) GIS layer, raster</a>

**B. Typical year assessment(s):** [Antecedent Precipitation Tool \(APT\) was utilized for casual observation of climatic conditions at a given time associated with the review of two aerial photographs. 1 Oct. 2017: conditions were found to be within the “normal” range for local climatic conditions during the wet season during a period of moderate wetness. 16 April 2020: conditions were found to be within the “normal” range for local climatic conditions during the wet season during a period of extreme wetness. In both of these photographs, water was not observed flowing through the spillway area \(no surficial flow from impoundment to Mon River\).](#)

**C. Additional comments to support AJD:** [A review of FEMA & USGS information showed how elevation and contouring of adjacent upland would direct overland flow from the impoundment into the spillway feature. Underdrain/riser infrastructure precludes overland flow to occur from the impoundment over the spillway. Riser position and non-execution of the “drawdown” permit denies the impoundment from contributing surface water flow to the Mon River in a typical year.](#)

[Project area was initially a farm field before becoming a stripmine. The \(b\)\(9\) exclusion was not appropriate for this impoundment as mining activities have since ceased.](#)





Impoundment (Pond 2)



**LEGEND**

- PROPOSED LAYDOWN AREA AND HAULROAD
- LIMIT OF DISTURBANCE
- PROPERTY LINE
- 100-YEAR FLOODPLAIN
- RAILROAD
- WETLANDS
- RIVER POOL EL. 744'
- EXISTING ROAD
- TOPOGRAPHIC CONTOUR (EXISTING)
- 764- PROPOSED GRADING
- PROPOSED FILL AREA
- AREA TO BE CLEARED
- RIP RAP
- PERMIT BOUNDARY

- NOTES:**
- DESIGN AND DRAWING ARE BASED ON NAD83 PENNSYLVANIA STATE PLANE, SOUTH ZONE, US FOOT.
  - BASE DRAWING AND SURVEY PREPARED BY TENEGUIP AND IS DATED 10/28/2005.
  - WETLAND AREAS IDENTIFIED IN PLAN ENTITLED WETLANDS DELINEATION MAP BY GEOSYNTEC, 2019.
  - WATER SURFACE ELEVATION IS ASSUMED TO BE 760-FT AND BASIN BOTTOM IS AT 752-FT BASED ON HISTORICAL DOCUMENT (TENEGUIP, 2005).
  - PROPERTY LINES (WASHINGTON COUNTY, PA) PROVIDED BY GIS OPEN DATE PORTAL, WASHINGTON COUNTY, PA. PARCELS ACCESSED VIA ARCGIS SERVER CONNECTION ON 6 APRIL 2020.
  - 100-YEAR FLOODPLAIN FROM FEMA NATIONAL FLOOD HAZARD LAYER FIRMETTE, DATED 09/30/2015.

MONONGAHELA RIVER  
NORMAL POOL EL. 744'

PRELIMINARY DESIGN DRAWINGS  
NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	DRN	APP
<b>DEVELOPMENT PLAN</b>				
<b>PROJECT: DENBO LANDING</b>				
<b>SITE: DREDGE DOCKS, INC. CENTERVILLE BOROUGH, PENNSYLVANIA</b>				
<small>THIS DRAWING MAY NOT BE COPIED FOR PROJECT TENDER OR CONSTRUCTION UNLESS SEALED.</small>				
DESIGN BY: SS DRAWN BY: BKF CHECKED BY: SS REVIEWED BY: AM DATE:		DATE: SEPTEMBER 2020 PROJECT NO.: MP1738 FILE: MP1738_DEV_PLAN.dwg DRAWING NO.: 03 OF 09 APPROVED BY: AM		
SIGNATURE DATE		EXPIRES: 9/30/2021		