



**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): [7/15/2020](#)
 ORM Number: [LRP-2020-143](#)
 Associated JDs: [N/A](#)
 Review Area Location¹: State/Territory: [PA](#) City: [Girard Township](#) County/Parish/Borough: [Erie County](#)
 Center Coordinates of Review Area: Latitude [42.01075](#) Longitude [-80.30173](#)

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)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
S-1	2,159	linear feet	Tributary drains directly to Lake Erie, which is an (a)(1) water
		(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	

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
W-1	0.96	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Impoundment of S-1, which is an (a)(2) water. Impoundment is created by a culvert and earthen mound.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W-2	0.35	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland abuts S-1, which is an (a)(2) water.
W-7 PEM	0.31	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland is part of a large, PEM/PFO/PSS wetland system that abuts off-site, jurisdictional tributaries that drain to Lake Erie. Adjacency occurs off of the project site.
W-7 PSS	0.16	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland is part of a large, PEM/PFO/PSS wetland system that abuts off-site, jurisdictional tributaries that drain to Lake Erie. Adjacency occurs off of the project site.
W-9	1.75	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland extends off of the site to the north and west where it abuts jurisdictional tributaries of Lake Erie. This occurs off of the project site.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
W-3	0.35	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is a depressional feature that is located in a forested portion of the site, and is located such that it is non adjacent to an (a)(1-4) water.
W-4 PEM	0.27	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is a depressional feature that is located in a forested portion of the site, and is located such that it is non adjacent to an (a)(1-4) water.
W-4 PFO	0.16	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is a depressional feature that is located in a forested portion of the site, and is located such that it is non adjacent to an (a)(1-4) water.
W-5	0.26	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is a depressional feature that is located in a previously disturbed farm field, and is

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
			located such that it is non adjacent to an (a)(1-4) water.
W-6	0.13	acre(s)	(b)(1) Non-adjacent wetland. Wetland is a depressional feature that is located in a previously disturbed farm field, and is located such that it is non adjacent to an (a)(1-4) water.
W-8	0.12	acre(s)	(b)(1) Non-adjacent wetland. Wetland is a depressional feature that appears to have been mechanically excavated, and is located such that it is non adjacent to an (a)(1-4) water.
W-10	0.07	acre(s)	(b)(1) Non-adjacent wetland. Wetland is a depressional feature that is located in a previously disturbed farm field, and is located such that it is non adjacent to an (a)(1-4) water.
W-11/12	0.33	acre(s)	(b)(1) Non-adjacent wetland. Wetland is a depressional feature that is located in a previously disturbed farm field, and is located such that it is non adjacent to an (a)(1-4) water.
W-13	0.05	acre(s)	(b)(1) Non-adjacent wetland. Wetland is a depressional feature that is located in a previously disturbed farm field, and is located such that it is non adjacent to an (a)(1-4) water.
W-14	0.92	acre(s)	(b)(1) Non-adjacent wetland. Wetland is a depressional feature that is located in a forested portion of the site, and is located such that it is non adjacent to an (a)(1-4) water.
W-15	0.16	acre(s)	(b)(1) Non-adjacent wetland. Wetland is a depressional feature that is located in a previously disturbed farm field, and is located such that it is non adjacent to an (a)(1-4) water.
W-16	0.08	acre(s)	(b)(1) Non-adjacent wetland. Wetland is a depressional feature that is located in a previously disturbed farm field, and is located such that it is non adjacent to an (a)(1-4) water.

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: "Wetland and Stream Delineation Report Erie Solar, LLC Project – West Ridge Road (US Route 20, Girard Township, Erie County, PA) – June 15, 2020"

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: "Wetland and Stream Delineation Report Erie Solar, LLC Project – West Ridge Road (US Route 20, Girard Township, Erie County, PA) – June 15, 2020", as well as photos taken during May 19, 2020 site visit.



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- Corps site visit(s) conducted on: [May 19, 2020](#)
- 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: [Soil Survey Maps provided in "Wetland and Stream Delineation Report Erie Solar, LLC Project – West Ridge Road \(US Route 20, Girard Township, Erie County, PA\) – June 15, 2020"](#).
- USFWS NWI maps: [NWI maps provided in "Wetland and Stream Delineation Report Erie Solar, LLC Project – West Ridge Road \(US Route 20, Girard Township, Erie County, PA\) – June 15, 2020", as well as NWI map pulled from USFWS on July 15, 2020.](#)
- USGS topographic maps: [USGS topographic maps provided in "Wetland and Stream Delineation Report Erie Solar, LLC Project – West Ridge Road \(US Route 20, Girard Township, Erie County, PA\) – June 15, 2020", as well as Google Earth Point Topo Map pulled from Google Earth on July 15, 2020.](#)

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): [APT tool for June 19, 2020 shows that site conditions observed are within 30 year normal range.](#)

C. Additional comments to support AJD:

[W-7 Off-Site Adjacency to S-1: W-7 is located on the western edge of the delineated area. W-7 is part of a larger forested/scrub shrub/emergent wetland system, that continues off-site until it is adjacent to S-1, which is an \(a\)\(2\) tributary that drains directly to Lake Erie, which is an \(a\)\(1\) water.](#)

[W-9 Off-Site Adjacency to S-1: W-9 is located on the northern edge of the delineated area. W-9 is part of an scrub shrub wetland system, that continues off-site until it is adjacent to S-1, which is an \(a\)\(2\) tributary that drains directly to Lake Erie, which is an \(a\)\(1\) water.](#)

[Resources Utilized to Make Off-Site Adjacency Determination for W-7 and W-9:](#)

- [1. Aerial and Other Photos included in "Wetland and Stream Delineation Report Erie Solar, LLC Project – West Ridge Road \(US Route 20, Girard Township, Erie County, PA\) – June 15, 2020", as well as photos taken during May 19, 2020 site visit.](#)
- [2. NWI maps provided in "Wetland and Stream Delineation Report Erie Solar, LLC Project – West Ridge Road \(US Route 20, Girard Township, Erie County, PA\) – June 15, 2020", as well as NWI map pulled from USFWS on July 15, 2020.](#)
- [3. USGS topographic maps provided in "Wetland and Stream Delineation Report Erie Solar, LLC Project – West Ridge Road \(US Route 20, Girard Township, Erie County, PA\) – June 15, 2020", as well as Google Earth Point Topo Map pulled from Google Earth on July 15, 2020.](#)
- [4. Site conditions observed during May 19, 2020 site visit.](#)