



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): 03-NOV-2020
 ORM Number: LRP-2020-00229
 Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
 Review Area Location¹:
 State/Territory: PA City: Titusville County/Parish/Borough: Venango County
 Center Coordinates of Review Area: Latitude 41.5804 Longitude -79.687784

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
2020-229 S-05 UNT Cherrytree Run	875 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to Cherrytree Run, which flows to Oil Creek, and then to the Allegheny River, an (a)(1) water
2020-229 S-06 UNT Prather Creek	1628 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to Prather Creek, which flows to Sugar Creek and French Creek, and then to the Allegheny River, an (a)(1) water
2020-229 S-07 UNT Prather Creek	782 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to Prather Creek, which flows to Sugar Creek and French Creek, and then to the Allegheny River, an (a)(1) water

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 independent 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.

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.



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

2020-229 S-08 UNT Prather Creek	100 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to Prather Creek, which flows to Sugar Creek and French Creek, and then to the Allegheny River, an (a)(1) water
2020-229 S-11 UNT Prather Creek	1231 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to Prather Creek, which flows to Sugar Creek and French Creek, and then to the Allegheny River, an (a)(1) water
2020-229 S-14 UNT Prather Creek	895 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to Prather Creek, which flows to Sugar Creek and French Creek, and then to the Allegheny River, an (a)(1) water

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
2020-229 W-01 (PEM/PSS/PFO)	13.83 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts a perennial (a)(2) water
2020-229 W-02 (PEM)	0.27 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts a perennial (a)(2) water
2020-229 W-03 (PFO)	4.29 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts a perennial (a)(2) water
2020-229 W-04 (PEM)	0.07 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts a perennial (a)(2) water
2020-229 W-05 (PEM/PFO)	1.44 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts a perennial (a)(2) water
2020-229 W-07 (PFO)	0.22 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts an intermittent (a)(2) water
2020-229 W-35 (PEM)	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts an intermittent (a)(2) water
2020-229 W-36 (PEM)	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts a perennial (a)(2) water
2020-229 W-37 (PEM)	0.06 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts a perennial (a)(2) water
2020-229 W-38 (PFO)	0.05 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts a perennial (a)(2) water

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2020-229 S-01 UNT Cherrytree Run	406 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Non jurisdictional by rule
2020-229 S-02 UNT Cherrytree Run	361 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Non jurisdictional by rule

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 independent 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.

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.



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

2020-229 S-03 UNT Cherrytree Run	260 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Non jurisdictional by rule
2020-229 S-04 UNT Cherrytree Run	141 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Non jurisdictional by rule
2020-229 S-09 UNT Prather Creek	658 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Non jurisdictional by rule
2020-229 S-10 UNT Prather Creek	257 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Non jurisdictional by rule
2020-229 S-12 UNT Prather Creek	471 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Non jurisdictional by rule
2020-229 S-13 UNT Prather Creek	290 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Non jurisdictional by rule
2020-229 W-06 (PEM)	1.26 acres	(b)(1) Non-adjacent wetland	
2020-229 W-08 (PEM)	0.02 acres	(b)(1) Non-adjacent wetland	
2020-229 W-09 (PEM)	0.04 acres	(b)(1) Non-adjacent wetland	
2020-229 W-10 (PFO)	0.65 acres	(b)(1) Non-adjacent wetland	
2020-229 W-11 (PEM)	0.09 acres	(b)(1) Non-adjacent wetland	
2020-229 W-32 (PFO)	0.01 acres	(b)(1) Non-adjacent wetland	
2020-229 W-33 (PEM)	0.08 acres	(b)(1) Non-adjacent wetland	
2020-229 W-34 (PEM)	0.02 acres	(b)(1) Non-adjacent wetland	

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: TRC Companies, Inc Wetland & Stream Delineation Report, 8/19/2020

This information *is* sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *N/A*

Photographs: TRC Companies, Inc Wetland & Stream Delineation Report, 8/19/2020 and Corps Site Visit 7/31/2020

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 and 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 independent 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.

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.



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

- Corps Site visit(s) conducted on: *July 31, 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: *TRC Companies, Inc Wetland & Stream Delineation Report, 8/19/2020*
- USFWS NWI maps: *TRC Companies, Inc Wetland & Stream Delineation Report, 8/19/2020*
- USGS topographic maps: *TRC Companies, Inc Wetland & Stream Delineation Report, 8/19/2020*

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):** N/A
- C. Additional comments to support AJD:** N/A

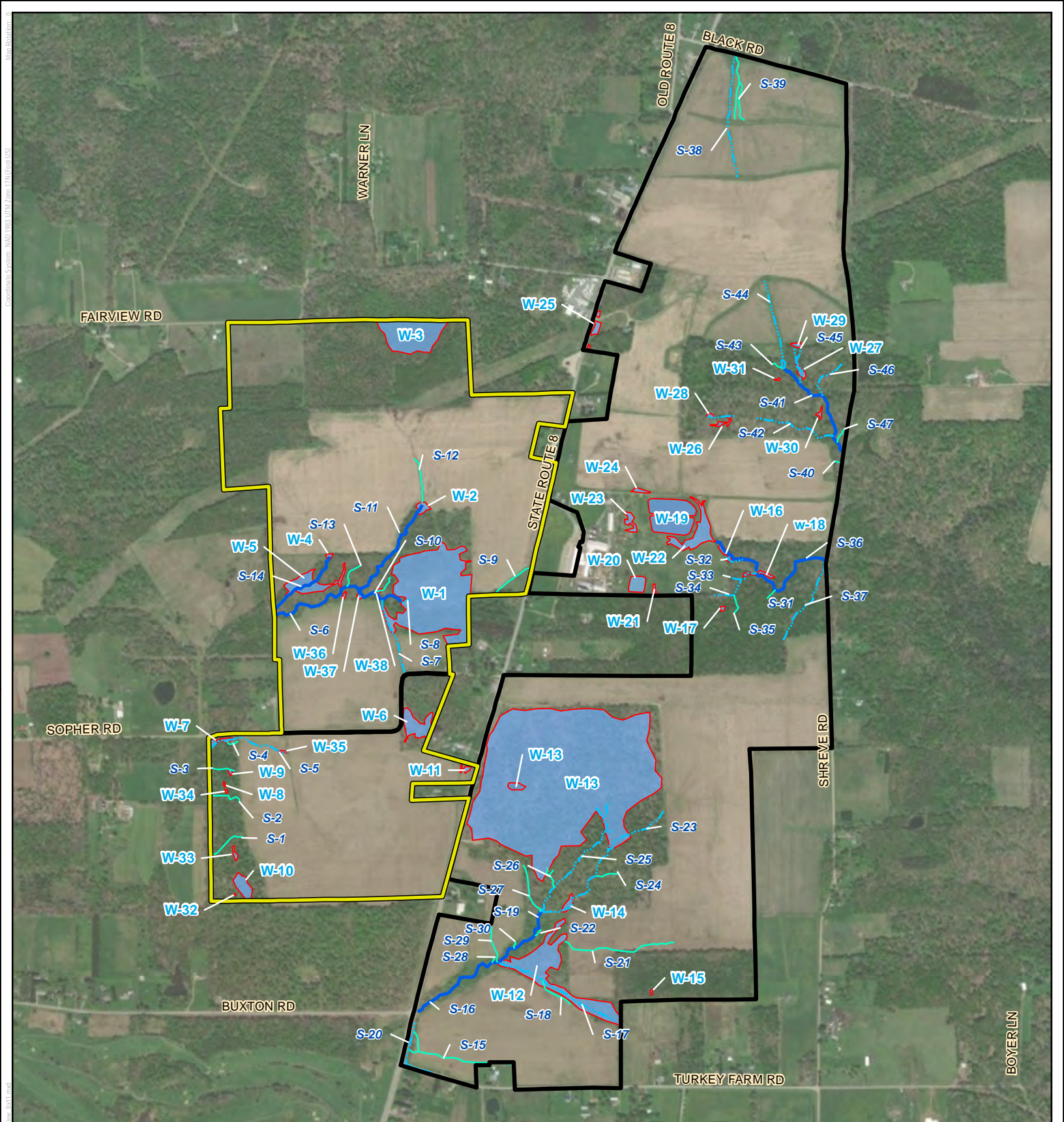
¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide and 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 independent 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.

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.



LEGEND

- AREA VERIFIED BY USACE AND PADEP
- SITE BOUNDARY
- TRC DELINEATED WETLAND BOUNDARY
- TRC DELINEATED WETLAND
- TRC DELINEATED STREAM
- EPHEMERAL
- INTERMITTENT
- PERENNIAL

NOTES:
 1. BASEMAP IMAGERY FROM ESRI "WORLD IMAGERY" WEB BASEMAP SERVICE LAYER, 2018.
 2. RESOURCE DELINEATION COMPLETED IN THE FIELD BY TRC 10/16/2019 - 10/24/2019.
 3. WETLAND BOUNDARIES VERIFIED BY USACE AND PADEP ON 7/31/2020.

1:15,000
 1" = 1,250'

0 625 1,250 Feet

PROJECT: CYPRESS CREEK RENEWABLES, LLC
 TITUSVILLE SOLAR, LLC
 VENANGO COUNTY, PENNSYLVANIA

TITLE: **DELINEATED WETLANDS AND WATERBODIES**

DRAWN BY: D. SWEENEY PROJ NO.: 365579.0000.0000
 CHECKED BY: J. VANDEVEER
 APPROVED BY: C. KAYSER
 DATE: OCTOBER 2020

FIGURE 4

TRC
 600 WILLOWBROOK LN
 WEST CHESTER, PA 19382

CYPRESS CREEK RENEWABLES

FILE NO: Fig_4_Titusville_Delin_Overview_Sk11.mxd