



**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): 9/14/2020
 ORM Number: CELRPREGN 2020-256
 Associated JDs: NA
 Review Area Location¹: State/Territory: PA City: Blacklick/Buffington/East Wheatfield
 County/Parish/Borough: Cambria/Indiana
 Center Coordinates of Review Area: Latitude 40.48428° Longitude -78.93256°

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
Stream L8	10	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			Stream L8 is a first order tributary to the North Branch of Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Stream L7	5	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream L7 drains to Stream L8, which is a first order tributary to the North Branch of Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream L6	5	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream L6 drains to Stream L8, which is a first order tributary to the North Branch of Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream L3	15	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream L3 drains to the North Branch of Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream L1	18	Linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream L1 drains to the North Branch of Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream A17	120	Linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream A17 is the North Branch of Blacklick Creek, which drains to Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Stream L9	6	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream L9 drains to the Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream A1	12	Linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream A1 flows directly into Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream A2	4	Linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream A2 flows directly into Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream A3	5	Linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream A3 flows directly into Stream A2, which drains to Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream A7	26	Linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream A7 flows directly into Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream B5	9	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream B5 drains to the Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Stream B4	25	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream B4 drains to the Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream A4	4	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream A4 drains to the Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream A5	4	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream A5 drains to the Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream A6	3	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream A6 drains to the Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream L10	10	Linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream L10 flows directly into Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Stream L11	11	Linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream L11 flows directly into Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.



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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
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
Wetland L3	0.08 acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetland L3 drains through culvert directly into the North Branch of Blacklick Creek, which flows into Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Wetland L1	0.26 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland L1 abuts stream L2, which flows into the North Branch of Blacklick Creek, which drains to Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Wetland A24	0.07 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A24 abuts stream A17, which is the North Branch of Blacklick Creek, which drains to Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway.
Wetland A22	0.05 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A22 abuts Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway
Wetland A2	0.02 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A2 abuts stream A3, which flows directly into stream A2, which drains to Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway
Wetland B4 Complex (PEM, PSS, PFO 1 & 2)	0.72 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland B4 complex abuts stream A2, which flows directly into Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland B3	0.16	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland B3 abuts stream A2, which flows directly into Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway
Wetland L5 Complex (PEM 1 & 2, PSS 1 & 2, PFO 1&2)	1.69	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland L5 complex abuts streams A10 and A11, which flow directly into Blacklick Creek, which drains to the Conemaugh River, which drains to the Kiskiminetas River, which drains to the Allegheny River, a traditionally navigable waterway
Wetland A21	0.46	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Though no culverts were identified directly connecting this resource to Blacklick Creek, this wetland extends to the south-southeast and beyond the investigated Project study area, Best professional judgment indicates that this resource is flooded by either the North Branch of Blacklick Creek, or the North Branch of Blacklick Creek and Blacklick Creek during a typical year and would therefore be considered an adjacent wetland.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland L4	0.03	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
Stream L6a	5	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Stream L5	5	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Stream L4	12	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A

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
Stream A18	10	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Wetland A25	0.04	acre(s)	(b)(1) Non-adjacent wetland.	N/A
Stream A15	6	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Stream A16	10	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Stream B1	8	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Stream B2	132	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Wetland A1	0.07	acre(s)	(b)(1) Non-adjacent wetland.	N/A
Wetland A3	0.01	acre(s)	(b)(1) Non-adjacent wetland.	N/A
Wetland B2	0.05	acre(s)	(b)(1) Non-adjacent wetland.	N/A
Wetland B6	0.04	acre(s)	(b)(1) Non-adjacent wetland.	N/A
Wetland B7	0.02	acre(s)	(b)(1) Non-adjacent wetland.	N/A
Wetland B5	0.12	acre(s)	(b)(1) Non-adjacent wetland.	N/A
Stream B10	18	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Stream B11	5	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Stream B12	18	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Stream B6	3	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Stream B7	2	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Stream B8	8	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Stream B9	12	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A
Wetland B1	0.12	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B1 is located immediately east of delineated stream A1 (UNT to Blacklick Creek) in a small slightly depressed area. Stream A1 does not contribute to the hydrology of wetland B1, which is derived from toe-of-slope seepage. The western edge of wetland B1 is near the top of bank of stream A1 and may occasionally discharge into the stream via sheet flow.
Stream B3	12	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream L2	4	Linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream L2 is intermittent. It flows south, into wetland W-L1 and the existing pond. Site investigations, the plan sheets, and LiDAR determined that there is no direct connection from those resources to an a(1)-a(3) water. Additionally, no culvert was identified at the southern end of the existing pond/Wetland L1 that would connect these resources with Stream L1 or any other tributary leading to the North Branch of Blacklick Creek.
Wetland L2	0.01	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Wetland L2 abuts stream L2, which flows south, into wetland W-L1 and the existing pond. Site investigations, the plan sheets, and LiDAR determined that there is no direct connection from those resources to an a(1)-a(3) water. Additionally, no culvert was identified at the southern end of the existing pond/Wetland L1 that would connect these resources with Stream L1 or any other tributary leading to the North Branch of Blacklick Creek.
Pond 1	0.49	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.	Wetland L1 abuts stream L2, which flows into the North Branch of Blacklick Creek

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: [Blacklick Creek Treatment Facility Delineation, 4/9/20](#)

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: from delineation report](#)

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.](#)



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- USDA NRCS Soil Survey: Title(s) and/or date(s).
- USFWS NWI maps: Title(s) and/or date(s).
- 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): N/A

C. Additional comments to support AJD: The project area is a reclaimed mining site. Variations in the grading caused depressional areas to gather water and oxygen content in the soil to reduce. Many of these subsequent wetlands are isolated from any stream feature.