



**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): 6/25/2020
 ORM Number: LRP 2019-722
 Associated JDs: NA
 Review Area Location¹: State/Territory: PA City: Jackson/Lancaster Township
 County/Parish/Borough: Butler
 Center Coordinates of Review Area: Latitude 40.816027 Longitude -80.084612

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
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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1 PEM	0.55 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are either (a)(4)(1) to an (a)(3) that does not have a hydrologic surface connection to a jurisdictional (a)(1)-(a)(3) water, OR they are not abutting, not inundated by a jurisdictional (a)(1)-(a)(3) water in a typical year, or only separated by a natural berm/bank/dune or similar feature
Wetland 1 PFO	0.24 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are either (a)(4)(1) to an (a)(3) that does not have a hydrologic surface connection to a jurisdictional (a)(1)-(a)(3) water, OR they are not abutting, not inundated by a jurisdictional (a)(1)-(a)(3) water in a typical year, or only separated by a natural berm/bank/dune or similar feature
Wetland 2	0.11 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are either (a)(4)(1) to an (a)(3) that does not have a hydrologic surface connection to a jurisdictional (a)(1)-(a)(3) water, OR they are not abutting, not inundated by a jurisdictional (a)(1)-(a)(3) water in a typical year, or only separated by a natural berm/bank/dune or similar feature
Wetland 3	0.05 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are either (a)(4)(1) to an (a)(3) that does not have a hydrologic surface connection to a jurisdictional (a)(1)-(a)(3) water, OR they are not abutting, not inundated by a jurisdictional (a)(1)-(a)(3) water in a typical year, or only separated by a natural berm/bank/dune or similar feature
Wetland 4 PEM	1.06 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are either (a)(4)(1) to an (a)(3) that does not have a hydrologic surface connection to a jurisdictional (a)(1)-(a)(3) water, OR they are not abutting, not inundated by a jurisdictional (a)(1)-(a)(3) water in a typical year, or only separated by a natural berm/bank/dune or similar feature
Wetland 5	0.08 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are either (a)(4)(1) to an (a)(3) that does not have a hydrologic surface connection to a jurisdictional (a)(1)-(a)(3) water, OR they are not abutting, not inundated by a jurisdictional (a)(1)-(a)(3) water in a typical year, or only separated by a natural berm/bank/dune or similar feature

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
Wetland 8	0.16 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are either (a)(4)(1) to an (a)(3) that does not have a hydrologic surface connection to a jurisdictional (a)(1)-(a)(3) water, OR they are not abutting, not inundated by a jurisdictional (a)(1)-(a)(3) water in a typical year, or only separated by a natural berm/bank/dune or similar feature
Wetland 9	0.07 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are either (a)(4)(1) to an (a)(3) that does not have a hydrologic surface connection to a jurisdictional (a)(1)-(a)(3) water, OR they are not abutting, not inundated by a jurisdictional (a)(1)-(a)(3) water in a typical year, or only separated by a natural berm/bank/dune or similar feature
Wetland 15	0.02 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands are either (a)(4)(1) to an (a)(3) that does not have a hydrologic surface connection to a jurisdictional (a)(1)-(a)(3) water, OR they are not abutting, not inundated by a jurisdictional (a)(1)-(a)(3) water in a typical year, or only separated by a natural berm/bank/dune or similar feature

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: **Seneca Noncoal Mine, Surface Mining Permit Wetland Delineation, 2/21/18**

This information is sufficient for purposes of this AJD.

Rationale: *NA*

- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Aerial and Other: Included in the delineation report, dated May 2016 and February 2018*
- Corps site visit(s) conducted on: *1/31/20*
- 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: *NRCS Soil Survey map for Butler County, PA*
- USFWS NWI maps: *February 2018*
- USGS topographic maps: *7.5 minute topographic quadrangle – Evans City*

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.



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Data Source (select)	Name and/or date and other relevant information
Other Sources	N/A.

- B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.
- C. Additional comments to support AJD:** Features on site either do not abut an (a)(1) – (a)(3) or they abut a tributary that is not jurisdictional. All features on site flow downhill, cross underneath Hartmann Road via culvert, enter an artificially created lake, and then into a wetland. The wetland was excavated in uplands as a part of permittee responsible mitigation wetland creation for a non Corps permit action. The wetland is separated from the next nearest (a)(3) water (Connoquenessing Creek) by a road bed and approximately 120 of swale. There is no hydrologic surface connection or inundation to/from the wetland via Connoquenessing Creek.