



**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): 9/10/2020  
 ORM Number: CELRPREGN 2020-244  
 Associated JDs: NA  
 Review Area Location<sup>1</sup>: State/Territory: PA City: Pine and Liberty Townships  
 County/Parish/Borough: Mercer  
 Center Coordinates of Review Area: Latitude 41.144669 Longitude -80.133222

**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.

<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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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland BR	0.19	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland abuts Black Run

**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
Wetland A	0.44	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary
Wetland E	0.018	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary
Wetland P	0.914	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary
Wetland Q	0.295	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary
Wetland S	0.566	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary
Wetland T	2.349	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary
Wetland Y	0.451	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary
Wetland Z	0.063	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary
Wetland QQ	0.002	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary
Wetland RR	0.001	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary
SBW-1	1.007	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
W6-T1	0.053 acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary
W7-T1	0.057 acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not abutting, flooded/inundated in a typical year, or separated only by an artificial feature from a jurisdictional tributary

**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: [Tri County Landfill Delineation, 12/4/18](#)

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: Tri County Landfill Delineation, 12/4/18](#)
- Corps site visit(s) conducted on: [8/28/20](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [NA](#)
- 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: [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
<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="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [NA](#)

**C. Additional comments to support AJD:** [all resources within the LOD except for wetland BR drain to wetland P. wetland P has a channel that forms on the downstream end that goes through a culvert under a road and forms an ephemeral ditch. The ditch had vegetation growing in the channel and no aquatic life appeared to be present. The ditch's flow path can be traced to the Connoquenessing River \(section 10\) but it is an ephemeral feature.](#)