



**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): 3/2/2021

ORM Number: LRP 2020-504

Associated JDs: NA

Review Area Location¹: State/Territory: PA City: Spring Church County/Parish/Borough: Armstrong

Center Coordinates of Review Area: Latitude 40.63556 Longitude -79.41194

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
UNT Crooked Creek 46399	21799	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Feature exhibits all characteristics of a stream, including flow more than in direct response to a storm event. Feature drains to Crooked Creek, which drains to the Allegheny River, which is a Section 10 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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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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
WL1	0.98 acre(s)	(b)(1) Non-adjacent wetland.	Does not border or abut a jurisdictional feature and no other feature, jurisdictional or otherwise, conveys flow from the wetland to the next nearest jurisdictional feature during a typical year
WL2	0.08 acre(s)	(b)(1) Non-adjacent wetland.	Does not border or abut a jurisdictional feature and no other feature, jurisdictional or otherwise, conveys flow from the wetland to the next nearest jurisdictional feature during a typical year
WL3	0.14 acre(s)	(b)(1) Non-adjacent wetland.	Does not border or abut a jurisdictional feature and no other feature, jurisdictional or otherwise, conveys flow from the wetland to the next nearest jurisdictional feature during a typical year
WL4	0.62 acre(s)	(b)(1) Non-adjacent wetland.	Does not border or abut a jurisdictional feature and no other feature, jurisdictional or otherwise, conveys flow from the wetland to the next nearest jurisdictional feature during a typical year
WL5	0.07 acre(s)	(b)(1) Non-adjacent wetland.	Does not border or abut a jurisdictional feature and no other feature, jurisdictional or otherwise, conveys flow from the wetland to the next nearest jurisdictional feature during a typical year
WL6	0.12 acre(s)	(b)(1) Non-adjacent wetland.	Does not border or abut a jurisdictional feature and no other feature, jurisdictional or otherwise, conveys flow from the wetland to the next nearest jurisdictional feature during a typical year

III. SUPPORTING INFORMATION

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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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: [Bardon Mine JD Request Package, 12/23/20](#)

This information **is not** sufficient for purposes of this AJD.

Rationale: [Did not accurately describe each features positioning on the landscape and topographic relief. A site visit was conducted and additional information \(GIS\) was requested, reviewed, and deemed sufficient.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Bardon Mine JD Request Package photos, 12/23/20](#)
- Corps site visit(s) conducted on: [2/5/21](#)
- 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: [Armstrong County, Pennsylvania\(Britt Energies: South Bend\)](#)
- USFWS NWI maps: [Britt Energies, South Bend](#)
- USGS topographic maps: [South Bend Township, Armstrong County](#)

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 or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.](#)

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)