



**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): 7/6/2021
 ORM Number: LRP-2020-468
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Pennsylvania City: Bell Acres Borough
 County/Parish/Borough: Allegheny County
 Center Coordinates of Review Area: Latitude 40.593962 Longitude -80.194424

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
 - 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
Watercourse H	157 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	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 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.	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.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Man-Made Ditch 1	404	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Historic aerial photography shows that this feature was constructed entirely in uplands to convey hillside runoff away from the formerly developed area.
Man-Made Ditch 2	275	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Historic aerial photography shows that this feature was constructed entirely in uplands to convey hillside runoff away from the formerly developed area.
Man-Made Ditch 3	557	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the	Historic aerial photography shows that this feature was constructed entirely in uplands to convey hillside runoff away from the formerly developed area.

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
			conditions of (c)(1).	
Erosional feature	80	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This is an erosional swale located southwest of Man-Made Ditch 3 that lacks defined bed and banks, and does not have a surface connection to any other waters.
Wet Area 1	0.061	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not abut and is not inundated by any (a)(1)-(a)(3) waters. There is a pipe that hydrologically connects this wetland to Big Sewickley Creek, however it is separated from Big Sewickley Creek by two artificial features, a berm and a road.
Wetlands A	0.057	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(a)(3) waters in the vicinity of this wetland.
Wetlands D	0.007	acre(s)	(b)(1) Non-adjacent wetland.	This wetland formed within the boundaries of Man-Made Ditch 3 and is not in the vicinity of any (a)(1)-(a)(3) waters.
Wetlands F	0.012	acre(s)	(b)(1) Non-adjacent wetland.	This wetland formed within the boundaries of Man-Made Ditch 2 and is not in the vicinity of any (a)(1)-(a)(3) waters
Wetlands G	0.003	acre(s)	(b)(1) Non-adjacent wetland.	There are no (a)(1)-(a)(3) waters in the vicinity of this wetland.
Watercourse B	807	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories	Watercourse B is enclosed in a culvert and does not have surface flow anywhere within the jurisdictional determination boundary.
Watercourse B abandoned channel	319	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Watercourse B formerly flowed in this channel due to a culvert blockage. Prior to the Corps' February 26, 2021 field view the culvert was unblocked and the flow of Watercourse B was returned to the culvert. No water was observed in this channel at either the February 26, 2021 or May 27, 2021 field views.



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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: Villas of Bell Acres Regulated Waters Investigation Report, Bell Acres Borough, Allegheny County, Pennsylvania, prepared by Palustris Environmental, LLC dated June 1, 2021

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

Rationale: The Corps concurs with all of the data sheets and determinations in the report with the exception of SP-15 and SP-16. These sample points are associated with the area identified as "Wet Area 1." The data sheets for these two sample points state that this area is not a wetland based on the lack of hydric soil indicators. The sampling forms for these data points indicate that the soils are not significantly disturbed. The Corps disagrees with this determination- the report notes and historic aerial photos show that the location of SP15 and SP16 was formerly developed and was cleared/reclaimed in 1990s. Several soil test pits were dug during the Corps' field views. The test pits showed shovel resistance at several inches below the surface. This area consists of several inches of disturbed soils on top of a gravel fill layer. The Corps determined that due to the disturbed nature of the soils within "Wet Area 1," this area should be identified as a wetland based solely on the prevalence of hydrophytic vegetation and evidence of hydrology in this location at multiple field views. It was noted at the field views that this wetland is not abutting or inundated by any (a)(1)-(a)(3) waters. There is a pipe that conveys the hydrology from this wetland to Big Sewickley Creek, however the wetland is separated from Big Sewickley Creek by two artificial features- the berm of fill material and Big Sewickley Creek Road.

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and Other: Photos 1 through 26 in Appendix B of Villas of Bell Acres Regulated Waters Investigation Report; Google Earth April 6, 1993 Aerial Photograph in Appendix D of Villas of Bell Acres Regulated Waters Investigation Report
- Corps site visit(s) conducted on: February 26, 2021 and May 27, 2021
- 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: Custom Soil Resource Report for Allegheny County, Pennsylvania, accessed November 19, 2020
- USFWS NWI maps: Title(s) and/or date(s).
- USGS topographic maps: Ambridge, PA 7.5 minute USGS quadrangle

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	www.historicaerials.com accessed July 2, 2021

B. Typical year assessment(s): The Corps ran the Antecedent Precipitation Tool for the project location for the sampling dates of December 16, 2019, July 30, 2020, and November 17, 2020, as well as the field view



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dates of February 26, 2021 and May 27, 2021. The results indicated that climactic conditions were wetter than normal for the initial sampling date of December 16, 2019, and drier than normal for the two subsequent sampling dates of July 30, 2020 and November 17, 2020. It is noted that flow was observed in Watercourse H on all sampling dates. For the initial field view date of February 26, 2021, conditions were normal. For the second field view date of May 27, 2021, conditions were drier than normal.

- C. Additional comments to support AJD:** The Corps has followed the JD guidance as enumerated within the "Interim Approved Jurisdictional Determination Form User Manual Navigable Waters Protection Rule" dated July 29, 2020 and other applicable guidance.