



®

## Regulatory Program



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### **INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in the Interim Approved Jurisdictional Determination Form User Manual.

#### **SECTION I: BACKGROUND INFORMATION**

**A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD):** 20 February 2019

**B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ):** NAB-2018-02143

#### **C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Pennsylvania

County/parish/borough: Bradford Co./Wyalusing Twp

City:

Browntown

Center coordinates of site (lat/long in degree decimal format): Lat. 41.821480, Long. -76.23659.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are:  attached  in report/map titled

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1):

#### **D. REVIEW PERFORMED FOR SITE EVALUATION:**

Office (Desk) Determination Only. Date:

Office (Desk) and Field Determination. Office/Desk Dates: 8 Feb 2019 Field Date(s): 3 August 2018.

#### **SECTION II: DATA SOURCES**

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Jurisdictional Determination Location Map (12/12/2018), Jurisdictional Determination NWI Map (12/10/2018); Jurisdictional Determination 2013 Aerial View (12/12/2018); Jurisdictional Determination W-MRK-002 (PEM) and W-MRK-004 (PSS) (12/12/2018); Jurisdictional Determination W-MRK-003 (PSS), W-MRK-005 (PEM), W-MRK-006 (PEM) AND W-MRK-007 (PEM) (12/12/2018); Jurisdictional Determination HUC Map (12/11/2018).

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: Wetland Determination Form - Northcentral and northeast Region dated: 4/23/2018, 4/24/2018, 9/6/2018.

Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon:

Revised Title/Date:

Data sheets prepared by the Corps. Title/Date:

Corps navigable waters study. Title/Date:

CorpsMap ORM map layers. Title/Date:

USGS Hydrologic Atlas. Title/Date:

USGS, NHD, or WBD data/maps. Title/Date: Jurisdictional Determination Location Map (12/12/2018) PA StreamStats.

USGS 8, 10 and/or 12 digit HUC maps. HUC number: Jurisdictional Determination HUC Map (12/11/2018).

USGS maps. Scale & quad name and date:

USDA NRCS Soil Survey. Citation: Custom Soil Resource Report for Bradford and Sullivan Counties, Pennsylvania.

USFWS National Wetlands Inventory maps. Citation: Jurisdictional Determination NWI Map (12/10/2018) and Google Earth NWI Map.

- State/Local wetland inventory maps. Citation:
- FEMA/FIRM maps. Citation: National Flood Hazard Layer FIRMette (12/17/2018).
- Photographs:  Aerial. Citation: Jurisdictional Determination 2013 Aerial View (12/12/2018) 2010 & 2011 Google Earth Aerials. or  Other. Citation: Photo No.(s) 1-7 located in Photographic Log in wetland report.
- LiDAR data/maps. Citation: PADCNr PAMAPs and PASDA.
- Previous JDs. File no. and date of JD letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

**SECTION III: SUMMARY OF FINDINGS**

**Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Water Droplet Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required**

**A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:**

- "navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **Complete Table 1 - Required**

*NOTE:* If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

**B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION:** "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**

- (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

- **Complete Table 1 - Required**

- This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

- (a)(2): All interstate waters, including interstate wetlands.

- **Complete Table 2 - Required**

- (a)(3): The territorial seas.

- **Complete Table 3 - Required**

- (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Table 4 - Required**

- (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 5 - Required**

- (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Table 6 - Required**

- Bordering/Contiguous.

Neighboring:

- (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

- (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

- (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

- (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

- (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

**C. NON-WATERS OF THE U.S. FINDINGS:**

**Check all that apply.**

- The review area is comprised entirely of dry land.
- Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Table 10 - Required**
- (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- (b)(2): Prior converted cropland.
- (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.<sup>1</sup>
- (b)(4)(iv): Small ornamental waters created in dry land.<sup>1</sup>
- (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.<sup>1</sup>
- (b)(4)(vii): Puddles.<sup>1</sup>
- (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.<sup>1</sup>
- (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.<sup>1</sup>
- (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

<sup>1</sup> In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

- **Complete Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD: .

**Non-Jurisdictional Waters**

**Table 1. Non-Waters/No Significant Nexus**

<b>SPOE Name</b>	<b>Non-(a)(7)/(a)(8) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus</b>	<b>Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.</b>
SPOE1	W-MRK-002 W-MRK-005 W-MRK-006 W-MRK-007	Susquehanna River (SR)	<p>These four (4) palustrine emergent (PEM) wetlands are located on a hillside upslope west of the Susquehanna River (SR). Wetland W-MRK-002 is approximately 8,480 square feet (0.19 acres), W-MRK-005 is approximately 457 square feet (0.01 acres), W-MRK-006 is approximately 1,239 square feet (0.03 acres) and W-MRK-007 is approximately 3,163 square feet (0.07 acres) totaling 13,339 square feet (0.30 acres) of PEM wetlands. The project area has been previously disturbed from what appeared to be logging and grading activities between 2010 and 2011. These wetlands were reviewed during a field visit between, the consultant, applicant, PADEP and the Corps Project Manager on 13 NOV 2018 and boundaries of the wetlands were verified. The FEMA firmette for this area was provided indicating the location of the floodplain of the SR. The floodplain terminates along the north side of a railroad bed that runs parallel to the river and the site. All of these wetlands are located outside of the floodplain. These wetlands range from ~850 feet to ~1,500 feet from the OHWM of SR. This was determined by reviewing wetland boundaries and OHWM of SR on google maps. Due to the wetlands being within 4,000 feet of the OHWM of the SR it was determined a significant nexus would need to be determined. An unnamed tributary to the SR was used to determine the SPOE for the nexus determination study area. The SPOE is approximately 1.22 square miles. The SPOE consists of approximately 76% forested land use and 2% of urban development with remaining 12% being agricultural fields fragmenting the forested areas throughout the drainage area.</p> <p>There was a minimal amount of similarly situated waters within the SPOE as most wetlands would be considered adjacent to or neighboring water courses. The similarly situated wetlands were identified as closed depression, isolated PEM wetlands. Overall these wetlands and their similarly situated wetlands provide minimal and low quality functions and values. The wetlands do not provide any functions and values for endangered species, aesthetics, recreation, floodflow retention or other significant functions and values. The wetlands are located on a hillside and are located in closed depressions with no evidence of outflow from the wetlands. Functions and values of the wetlands includes:</p>

			<p>1.) <i>Habitat for wildlife</i>: this function has low value and primarily provides some shelter for smaller mammals (i.e., mice) and also some low value food source for herbivorous animals.</p> <p>2.) <i>Sediment/Pollutant Trapping</i>: this function has a low value due to the small size and location of the wetlands. There are adjacent agricultural fields upslope of the wetlands, however, in between the fields and the wetlands there is a forested buffer, which would help filter sediment and pollutants before runoff entering the wetlands. There is potential for the wetlands to capture some sediments/pollutants but due to their small size and the location of the wetlands it does not provide significant function and value in sediment/pollutant trapping to the watershed.</p> <p>3.) <i>Groundwater discharge/recharge</i>: The wetlands were visited during a time where rainfall was significant and the water table was high. During the site visit there was no evidence of saturation and/or surface water within the wetlands, but per the data sheets from 23 &amp; 24 April 2018 a water table was present between 4-8 inches. Due to their connection with the groundwater these wetlands could potentially provide a small area for ground water recharge and discharge. However, due to their small size compared to the watershed these wetlands do not have significant value and provide low functions to the watershed.</p> <p>These wetlands as mentioned are located along a hillside and are closed depressional features. Reviewing contours and lidar of the area it appears that any water that would be affected by these wetlands' functions and values would flow downslope to an existing railroad grade. There are no culverts or ditches that run along this railroad that would convey the water to the UNT to SR or to SR itself and the water appears to potentially settle along the railroad in this area. The wetlands are not connected to a flowing water course and are considered to be isolated. Based off the review of the minimal low quality functions and values these wetlands have and their location, no more than speculative and insubstantial effects to the physical, chemical, or biological integrity of the SR are presumed.</p>
SPOE1	W-MRK-003 W-MRK-004	North Branch Susquehanna River (NBSR)	<p>These two (2) palustrine scrub shrub (PSS) wetlands are located on a hillside upslope from the OHWM of the SR. Wetland W-MRK-003 is approximately 297 square feet (0.01 acres) and W-MRK-004 is approximately 12,158 square feet (0.28 acres) totaling 12,455 square feet (0.29 acres) of PSS wetlands. The project area has been previously disturbed from what appeared to be logging and grading activities between 2010 and 2011. These wetlands were reviewed during a field visit between, the consultant, applicant, PADEP and the Corps Project Manager on 13 NOV 2018 and boundaries of the wetlands were verified. The FEMA firmette for this area was provided indicating the location of the floodplain of the SR. The floodplain terminates along the north side of a railroad bed that runs parallel to the river and the site. All of these wetlands are located outside of the floodplain. These wetlands range from ~1,140 feet to ~1,205 feet from the OHWM of SR. This was determined by reviewing wetland boundaries and OHWM of SR</p>

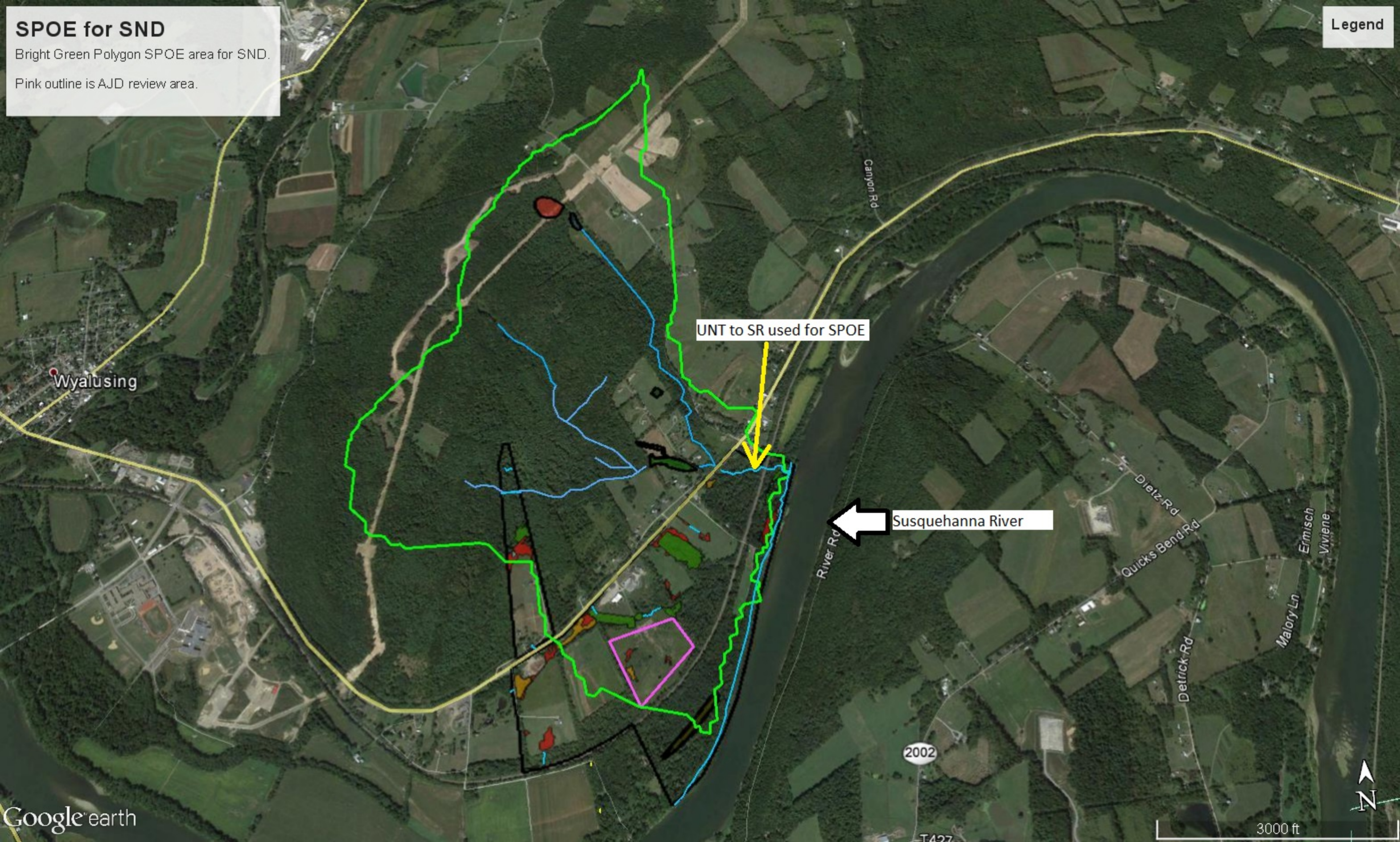
			<p>on google maps. Due to the wetlands being within 4,000 feet of the OHWM of an (a) (1) water (SR) it was determined a significant nexus would need to be determined. An unnamed tributary to SR was used to determine the SPOE for the nexus determination study area. The SPOE is approximately 1.22 square miles. The SPOE consists of approximately 76% forested land use and 2% of urban development with remaining 12% being agricultural fields fragmenting the forested areas throughout the drainage area.</p> <p>There was a minimal amount of similarly situated waters within the SPOE as most wetlands would be considered adjacent to or neighboring water courses. These wetlands were identified as closed depression, isolated PSS wetlands. These wetlands were dominated by <i>Salix nigra</i> (black willow) and <i>Spiraea alba</i> (meadowsweet). Overall these wetlands and their similarly situated wetlands provide minimal and low quality functions and values. The wetlands do not provide any functions and values for endangered species, aesthetics, recreation, floodflow retention or other significant functions and values. The wetlands are located on a hillside and are located in closed depressions with no evidence of outflow from the wetland. Functions and values of the wetlands includes:</p> <ol style="list-style-type: none"> <li>1.) Habitat for wildlife: this function has low-medium value and primarily provides some shelter for smaller-medium sized mammals (i.e., mice and rabbits) and also some low value food source for herbivorous animals.</li> <li>2.) Sediment/Pollutant Trapping: this function has a low value due to the small size and location of the wetlands. There are adjacent agricultural fields upslope of the wetlands, however, in between the fields and the wetlands there is a forested buffer, which would help filter sediment and pollutants before entering the wetlands. There is potential for the wetlands to capture some sediments/pollutants but due to their small size and the location of the wetlands they do not provide significant function and value in sediment/pollutant trapping to the watershed.</li> <li>3.) Groundwater discharge/recharge: The wetlands were visited during a time where rainfall was significant and the water table was high. During the site visit there was no evidence of saturation and/or surface water within the wetlands, but per the data sheets from 23 &amp; 24 April 2018 a water table was present between 4-8 inches. Due to their connection with the groundwater and ground water table these wetlands could potentially provide a small area for ground water recharge and discharge. However, due to their small size compared to the watershed these wetlands do not have significant value and provide low functions to the watershed.</li> </ol> <p>These wetlands as mentioned are located along a hillside and are closed depressional features. Reviewing contours and lidar of the area it appears that any water that would be affected by these wetlands' functions and values would flow downslope to an existing railroad grade. There are no culverts or ditches that run along this railroad that would convey the water to the UNT to SR or SR itself and the water appears to potentially settle along the railroad in this area. The wetlands are not connected to a flowing water course and are considered to be isolated. Based off the review of the minimal low quality</p>
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			functions and values these wetlands have no more than speculative and insubstantial effects to the physical, chemical, or biological integrity of the SR.
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# SPOE for SND

Bright Green Polygon SPOE area for SND.  
Pink outline is AJD review area.



Wyalusing

UNT to SR used for SPOE

Susquehanna River

Canyon Rd

Dietz Rd

Quicks Bend Rd

Detrick Rd

Malory Ln

Ermisch  
Viviene

2002

T427

