

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 9, 2021**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: NAB-2021-00458-P12 (Charles Pender – Proposed Fence)**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** 26 Peach Lane, Conestoga, Pennsylvania

State: Pennsylvania County/parish/borough: Lancaster City: Conestoga

Center coordinates of site (lat/long in degree decimal format): Lat. 39.949689 °N, Long. -76.342909 °W

Universal Transverse Mercator:

Name of nearest waterbody: Stehman Run

Name of watershed or Hydrologic Unit Code (HUC): 020503061107

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date:
- Field Determination. Date(s): October 19, 2021

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **are no** “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **are no** “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Plan was drawn by the Corps
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas:
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation: Lancaster County
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): October 2021
- or  Other (Name & Date): taken during October 19, 2021 field view
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** The location of the proposed wooden fence, is located entirely in uplands. The proposed location is on a slope behind and on the south side of the house. The vegetation was mowed grass, there was no hydrology indicators and the soil was non-hydric (10YR 3/3 with 10 YR 5/3 depletions). Just downslope of the area of review, toward the road, at the base of the slope is an area

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

that meets wetland criteria. It's a mowed area adjacent to the house on the south side, that the owner says receives a lot of runoff, from the adjacent property behind the house. Some of that water lays in that area. Even though the vegetation is mowed, I was still able to identify smartweed and various sedges in this area, hydraulic indicators included two secondary hydrology indicators areas of sparsely vegetated concave surface and geomorphic position. Soils were 10Y/R 4/1 with 7.5 YR 4/3 and 2.5YR 3/3 depletions. Mr. Pender, wanted to place the fence outside this area, thus we went up slope in a westerly direction to the "Area of Review" on the map that was located in uplands.