



**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): 05/26/2021
ORM Number: NAB-2021-00193-P05 (Bedford Borough Todd Springs Site/RER Energy JD)

Associated JDs: N/A
Review Area Location¹: State/Territory: Pennsylvania City:
Bedford County/Parish/Borough: Bedford
Center Coordinates of Review Area: Latitude 40.025 Longitude -78.525

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
Jurisdictional Stream #1	346 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Bed and bank, unvegetated channel, that is fed by groundwater and is connected to the Raystown Branch Juniata River. Seeps feeding the channel and flowing water were observed on 5/13/21. Consultant stated that there was flowing water during his previous site visits.
Jurisdictional Tributary#3	140 linear feet	(a)(2) Intermittent tributary	Bed and bank, flowing water, wet signature for Stream #2 on aerial photograph, to which tributary flows off-site.

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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Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination

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
Wetlands A	0.17 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Contains all three parameters and abuts jurisdictional tributaries
Wetlands B & C	0.055 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Contains all three parameters and has surface connections to jurisdictional tributaries

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetlands D and E	0.195acres	(b)(1) Non-adjacent wetland.	Isolated wetland. The wetlands do not contribute flow in a typical year, as it has no current surface connection.

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: [Delineation Report and data sheets prepared by BL Companies](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- MFR prepared by the Corps: [From 05/13/2021](#)
- Photographs: [Aerial and Other: Provided by Consultant](#)
- Corps site visit(s) conducted on: [05/13/2021](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Provided in Delineation Report](#)
- USFWS NWI maps: [Provided in Delineation Report](#)
- USGS topographic maps: [Provided in Delineation Report](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Topo map
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	

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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B. Typical year assessment(s): The area was in a moderate to severe drought, for the year, at the time of the site visit. Long-term drought is cumulative, so the intensity of drought during the current month is dependent on the current weather patterns plus the cumulative patterns of previous months. The hydrological impacts of drought to ground water take longer to develop and it takes longer to recover from them. The Palmer Hydrological Drought Index (PHDI), a long-term drought index, was developed to quantify these hydrological effects. The PHDI responds more slowly to changing conditions. The PHDI for Central Pennsylvania, as of October 2020, showed that central Pennsylvania, where the Patton Lands JD is located, is in a moderate drought, considering the long term.

C. Additional comments to support AJD: