



**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): 12/14/2020

ORM Number: NAB-2019-00040-P29 (North Point Loomis and Chambers Property/Jurisdictional Determination)

Associated JDs: NAB-2019-00040 (North Point Loomis and Chambers Property/Preliminary Jurisdictional Determination)

Review Area Location¹: State/Territory: Pennsylvania City: Wilkes-Barre County/Parish/Borough: Luzerne

Center Coordinates of Review Area: Latitude 41.204293 Longitude -75.962851

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.

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Jurisdictional Tributary STR-181127-1104	219 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, flows to Nanticoke Creek a tributary to the Susquehanna River. Numerous groundwater discharge points were observed indicating the base flow is at least seasonal groundwater and therefore a tributary.
N/A.	N/A.	N/A.	N/A.	N/A.

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
W-190808-0923	0.12	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Contains all three parameters and abuts jurisdictional tributaries
W-190808-0920	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Contains all three parameters and has surface connections to jurisdictional tributaries
W-190808-0917	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Contains all three parameters and has surface connections to jurisdictional tributaries
W-190808-0854	0.03	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Contains all three parameters and has surface connections to jurisdictional tributaries
W-190808-0848	0.06	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

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stormwater basin A	1.45	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional	Basin has existed since at least the early 1990s, appears to have been in continuous use for stormwater control for most of this period. Therefore, the basin is excluded per (b)(10) of the Navigable Waters Protection Rule despite evidence of

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
		water to convey, treat, infiltrate, or store stormwater runoff.	groundwater discharge into the basin. Additionally, a wetland fringe has developed around the inundated areas of the pond. Regardless, the exclusion would apply to all pertinent components.
Wetland W-181128-0845	0.96	acre(s)	(b)(1) Non-adjacent wetland.
			Isolated wetland. There are no archival aerial photos to support naturally occurring aquatic resources. Furthermore, the wetland thread does not abut an (a) (1-3) water nor is it flooded by them in a typical year. The wetland is not separated by a natural or man-made break, so it is not an adjacent (a)(4) water. The surface drainage feature is not continuous, so it is not connected to jurisdictional waters by a non-jurisdictional conveyance.

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 Rettew Associates](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other](#): May 6, 1959 Digital Globe satellite photography

Corps site visit(s) conducted on: [11/9/2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [NAB-2019-0040-7 dated May 8, 2019](#)

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: [Title\(s\) and/or date\(s\)](#).

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 for Wilkes Barre
USDA Sources	N/A.



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

- B. Typical year assessment(s):** The Corps Antecedent Precipitation Tool (APT) revealed the area is within the normal range for precipitation despite very dry conditions in the region over the past 90-365 days as derived from the Mid-Atlantic Precipitation Departures (https://www.weather.gov/marfc/Precipitation_Departures). Luzerne County has been in the 26-50% deficit (365 days) and 50-75% deficit in the past 90 days.
- C. Additional comments to support AJD:** [N/A or provide additional discussion as appropriate.](#)