

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**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): March 11, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: NAB-2021-00284-P12(Aspen Solar)**

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

State: Pennsylvania County/parish/borough: Fannett Township, Franklin County City: Dry Run

Center coordinates of site (lat/long in degree decimal format): Lat. 40.1629° N, Long. -77.7481° W.

Universal Transverse Mercator:

Name of nearest waterbody: Dry Run and its various tributaries

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: the Potomac River

Name of watershed or Hydrologic Unit Code (HUC): 02070004

Check if map/diagram of review area and/or potential jurisdictional areas is/are 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: 21 July 2021

Field Determination. Date(s): 23 July 2021, 16 February 2022

**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. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: .

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

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: 1830 linear feet: Various width (ft) and/or acres.

Wetlands: 0.932 acres.

**c. Limits (boundaries) of jurisdiction based on: Established by OHWM.**

Elevation of established OHWM (if known): In addition the boundaries for wetlands were established based on the 1987 Corps Wetland Delineation Manual and the Eastern Mountains and Piedmont region supplement.

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: **9.W.1 is an isolated wetland that is neither adjacent to or abutting to a TNW, relatively permanent waterway, or a non-PRW that has surface flow into a TNW.**

### SECTION III: CWA ANALYSIS

#### A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: \_\_\_\_\_ .

Summarize rationale supporting determination: \_\_\_\_\_ .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: \_\_\_\_\_ .

#### B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: the 12 digit-HUC Code is located in the upper west branch of the Conococheague Creek and the watershed size is 22,225 acres

Drainage area: 0.72 square miles for B, 1.64 square miles for C and 3.W.1 0.04 square miles

Average annual rainfall: 41 inches

Average annual snowfall: 30 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through 3 tributaries before entering TNW.

Project waters are 30 (or more) river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are 30 (or more) aerial (straight) miles from TNW.

Project waters are Pick List aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: \_\_\_\_\_ .

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<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW<sup>5</sup>: The unnamed tributary flows to Dry Run, then to the West Branch of the Conococheague Creek, to the Main Branch of the Conococheague to the Potomac River.  
Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):

**Tributary is:**  Natural  
 Artificial (man-made). Explain: .  
 Manipulated (man-altered). Explain: The tributary (B and C are located on the same trib.) is

located in an area that is farmed (hay, corn, soy beans...). The Sections of the B & C tributary that were investigated were straight (most likely man altered) and were farmed closely on both sides. There was a narrow vegetated riparian area either made up of various grasses or small forested areas along the channel. 3.W.1 is located within a wetland (mostly reed canary grass) that empties into (abuts) a perennial water course. There is a channel that begins in the wetland. For approximately 300 feet, the channel is straight, then goes into a braided system that flows to a perennial stream, entering that stream at the same point the wetland enters it as well. The intermittent channel from beginning to where it enters the perennial stream is approximately 400 feet in length.

**Tributary properties with respect to top of bank (estimate):**

Average width: ,1 to 3 feet

Average depth: 1 to 2 feet

Average side slopes: **2:1**.

Primary tributary substrate composition (check all that apply):

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover:  
 Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .

Presence of run/riffle/pool complexes. Explain: when I saw the water flowing, I saw basically one long riffle.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 2 %

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: Intermittant flow that is seasonal and weather dependent. Receiving hydrology from groundwater as well as surfacewater.

Other information on duration and volume: .

Surface flow is: **Discrete and confined**. Characteristics: .

Subsurface flow: **Unknown**. Explain findings: maybe present as water was seen in some areas during the summer but the channel was dry in other areas. In wetter months several inches of water continuously flowed through the channel. There is a high probability that subsurface flow does occur in the channel, as this is a limestone valley, where subsurface flow is a common occurrence.

Dye (or other) test performed: .

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank  the presence of litter and debris  
 changes in the character of soil  destruction of terrestrial vegetation  
 shelving  the presence of wrack line  
 vegetation matted down, bent, or absent  sediment sorting  
 leaf litter disturbed or washed away  scour  
 sediment deposition  multiple observed or predicted flow events  
 water staining  abrupt change in plant community  
 other (list):

Discontinuous OHWM.<sup>7</sup> Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by:  Mean High Water Mark indicated by:

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

<sup>6</sup> A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

- |  |  |
|--|--|
| <input type="checkbox"/> oil or scum line along shore objects      | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |  |
| <input type="checkbox"/> other (list):                             |  |

**(iii) Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: When flow was seen the water was relatively clear. Water quality was not measured but I assume that the waterways transport potential farm runoff that may include fertilizers from farming the surrounding valley.

Identify specific pollutants, if known: .

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): 10 feet in some areas somewhat wider in others where its more forested. The riparian area is surrounded by farm fields.
- Wetland fringe. Characteristics: reed canary grass between the channel and the actively farmed fields.
- Habitat for:
- Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings: .
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings: .

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: .

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

Riparian buffer. Characteristics (type, average width): .

Vegetation type/percent cover. Explain: .

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

### C. SIGNIFICANT NEXUS DETERMINATION

**A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.**

**Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:**

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs:      linear feet      width (ft), Or,      acres.  
 Wetlands adjacent to TNWs:      acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Dry Run (2.S.1, 10.S.1, and F.S.1) is a blue lines on the Topographic map. During the field view water was flowing, fish were observed in the stream, as well as crayfish, and the PA Code Chapter 93 lists the stream as a Cold Water Fishery, Migratory Fishes). Unnamed tributary D.S.1 had substantial flow at the time of the field view. In addition fish were seen in the stream channel.  
 Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: (B.S.1, C.S.1, and 3.W.1 (stream)) B.S.1 and C.S.1 are the same tributary, it is just B is upstream of C. B & C are

dashed blue lines (intermittant) on the area topo map. In the case of the B and C channel, in the summer I have seen standing water in parts of the channel, some of the channel had saturation to the surface while other areas were dry. In the winter the stream was flowing over the entire surface (several inches above streambed). 3.W.1 (stream) begins at the end of a stormwater swale. The transition from the swale to a stream channel occurs at the point where it outlets a small culvert pipe (used for a crossing). The wetland and intermittant channel begin at that point. The intermittant stream flows approximately 306 feet through the wetland where it then goes to a braided system (spreading out over the wetland). Both the channel and the wetland flow directly into an stream channel (a tributary to Dry Run) which is perennial. I also evaluated B.S.1, C.S.1 and 3.W.1 waterways using the Topographic Wetness Indicator on the Pennsylvania Watershed Resource Registry. The tool is used to predict relative surface wetness. Dark blue areas are the wettest areas. In all cases, a dark blue line denoted the waterways.

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: **2.S.1 288 linear feet, 3.W.1 (stream) 306 linear feet, 10.S.1 144 linear feet, B.S.1 387 linear feet, C.S.1 348 linear feet, D.S.1 191 linear feet and F.S.1 166 linear feet** Various width (ft).

Other non-wetland waters: \_\_\_\_\_ acres.

Identify type(s) of waters: \_\_\_\_\_.

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

Tributary waters: \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).

Other non-wetland waters: \_\_\_\_\_ acres.

Identify type(s) of waters: \_\_\_\_\_.

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **A field inspection indicated the wetlands were directly abutting a jurisdictional waterway.**

Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **A field inspection indicated the wetlands were directly abutting a jurisdictional waterway.**

Provide acreage estimates for jurisdictional wetlands in the review area: **3.W.1 0.64 acres, 10.W.1 0.05 acres, 10.W.2 0.02 acres, C.W.1 0.10 acres, C.W.2 0.003 acres, C.W.3 0.005 acres, C.W.4 0.02 acres, D.W.1 0.03 acres, D.W.2 0.02 acres and F.W.1 0.044 acres.**

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: \_\_\_\_\_ acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: \_\_\_\_\_ acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

Demonstrate that impoundment was created from “waters of the U.S.,” or

<sup>8</sup>See Footnote # 3.

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.



- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

**Identify water body and summarize rationale supporting determination:** .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: 9.W.1 0.23 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

**SECTION IV: 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: Included in the entitled: "Wetland and Water Resources Delineation Report", dated April 2021, and revised November 8, 2021 completed by J Hockenberry Environmental Services .
- 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: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
  - USGS NHD data.

<sup>10</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:Shade Gap & Doylesburg.
- USDA Natural Resources Conservation Service Soil Survey. Citation:Franklin.
- National wetlands inventory map(s). Cite name:Shade Gap and Doylesburg.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):1994, 2015, and 2020.  
or  Other (Name & Date):photos included in the delineation report and taken during my field views.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** 3.SC.1 is an existing swale, constructed in a hay field, that neither contained hydrophytic vegetation, hydric soils or a ordinary high water mark. See attached waters table for jurisdictional status of each wetland/water.

<b>Aquatic Resources Table</b>						
<b>Parcel/ Corridor ID</b>	<b>Resource ID</b>	<b>Latitude (decimal degrees)</b>	<b>Longitude (decimal degrees)</b>	<b>Amount of aquatic resource in review area (acreage and linear feet, if applicable)</b>	<b>Type of aquatic resource type</b>	<b>Geographic authority to which the aquatic resource is subject (i.e., Section 404 or non- jurisdictional)</b>
<b>Parcel</b>						
2	2.S.1	40.174811	-77.752059	288 linear feet	Dry Run (Perennial)	Section 404
3	3.SC.1	40.177615	-77.759422	719 linear feet	Stormwater swale	non-jurisdictional
3	3.W.1 (stream and wetland)	40.1762009	-77.7593002	306 linear feet/0.64 acres	Unnamed trib to Dry Run (Intermittant)/PEM	Section 404
9	9.W.1	40.1520996	-77.7463989	0.23 acres	PFO	non-jurisdictional (isolated)
10	10.S.1	40.1515999	-77.7567978	144 linear	Dry Run (Perennial)	Section 404
10	10.W.1	40.1515999	-77.7567978	0.05 acres	PEM/PSS/PFO	Section 404
10	10.W.2	40.1515007	-77.756897	0.02 acres	PSS/PFO	Section 404
<b>Corridor</b>						
B	B.S.1	40.1753998	-77.7354965	387 linear feet	Unnamed trib to Dry Run (Intermittant)	Section 404
C	C.S.1	40.1693993	-77.7453003	348 linear feet	Unnamed trib to Dry Run (Intermittant)	Section 404
C	C.W.1	40.1694984	-77.7453003	0.10 acres	PEM/PSS	Section 404
C	C.W.4	40.1691017	-77.7453995	0.02 acres	PEM/PSS	Section 404
C	C.W.2	40.1697006	-77.7450027	0.003 acres	PSS/PFO	Section 404
C	C.W.3	40.1696014	-77.7451019	0.005 acres	PSS/PFO	Section 404
D	D.S.1	40.1629982	-77.7481003	191 linear feet	Unnamed trib to Dry Run (perennial)	Section 404
D	D.W.2	40.1629982	-77.7481995	0.02 acres	PEM	Section 404
D	D.W.1	40.1629982	-77.7481003	0.03 acres	PEM	Section 404
F	F.S.1	40.1516991	-77.7564011	166 linear feet	Dry Run (Perennial)	Section 404
F	F.W.1	40.1517982	-77.7565002	0.044 acres	PSS/PFO	Section 404