



DEPARTMENT OF THE ARMY
U. S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
CARLISLE FIELD OFFICE
401 EAST LOUTHER STREET SUITE 205
CARLISLE, PENNSYLVANIA 17013-2657

October 24, 2023

Operations Division

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

This is in response to your request, dated January 20, 2023, sent on behalf of the Blue Rock Technology Associates, Inc., requesting an approved jurisdictional determination (AJD) and verification of the delineation of waters of the United States, including jurisdictional wetlands, on a 115.44-acre of property east of Route 54 and Route 901 and south of Locust Gap Highway in the Mount Carmel area of Northumberland County, Pennsylvania. Your project has been assigned the file name, NAB-2023-00104-P05 (Mt. Carmel South AJD).

[REDACTED] of this office inspected the subject site on May 11, 2023, with you and [REDACTED], from your office, in attendance. Based on a review of the information submitted as part of the AJD request and the site inspection by this office, it has been determined that the plans prepared by your office, Inc, entitled: "Wetland Delineation Mount Carmel South", dated December 14, 2022, revised May 15, 2023, sheet 1 of 1 (Enclosure 1) accurately depicts waterbodies and wetlands within the "area of review. It was also determined that all the waterbodies and wetlands within the 115.44-acre area of review are isolated, non-navigable, intrastate waters and/or wetlands with no nexus to interstate or foreign commerce. As a result, the identified isolated, non-navigable, intrastate waters and/or wetlands are not subject to Corps regulatory jurisdiction. The list of waters on the entire area of review and their jurisdictional status is summarized in enclosure 2. Be advised that this area may be regulated as waters of the Commonwealth by the Pennsylvania Department of Environmental Protection

This letter contains an approved JD for your subject site. This approved JD is valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date, or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis. If you object to

this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form (Enclosure #3). If you request to appeal this determination you must submit a completed RFA form by mail to:

[REDACTED]

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the Notification of Appeal Process. Should you decide to submit an RFA form, it must be received at the above address by November 27, 2023. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

In future correspondence and permit applications regarding this parcel, please include the file number located in the first paragraph of this letter.

A copy of this letter is being furnished to the PADEP for informational purposes.

If you have any questions concerning this matter, please call [REDACTED] of this office, at [REDACTED] or via email at [REDACTED].

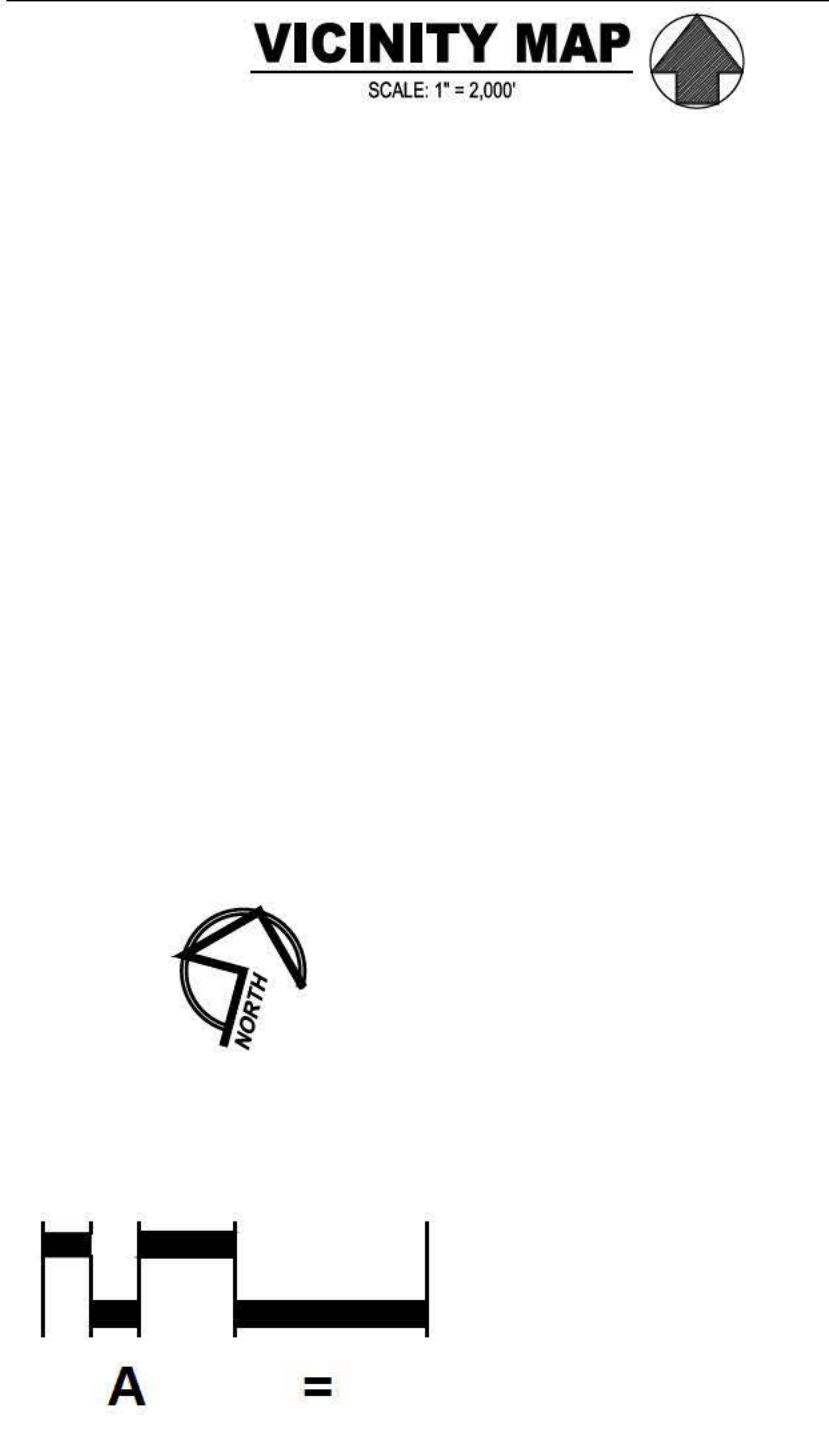
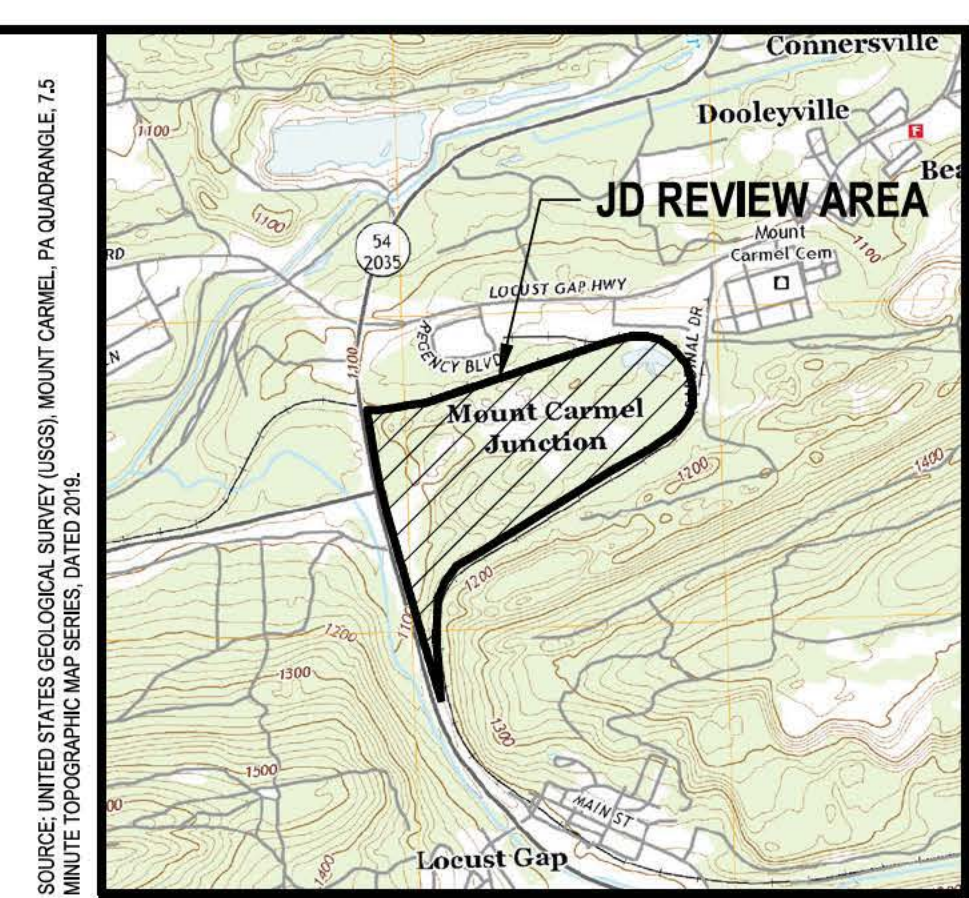
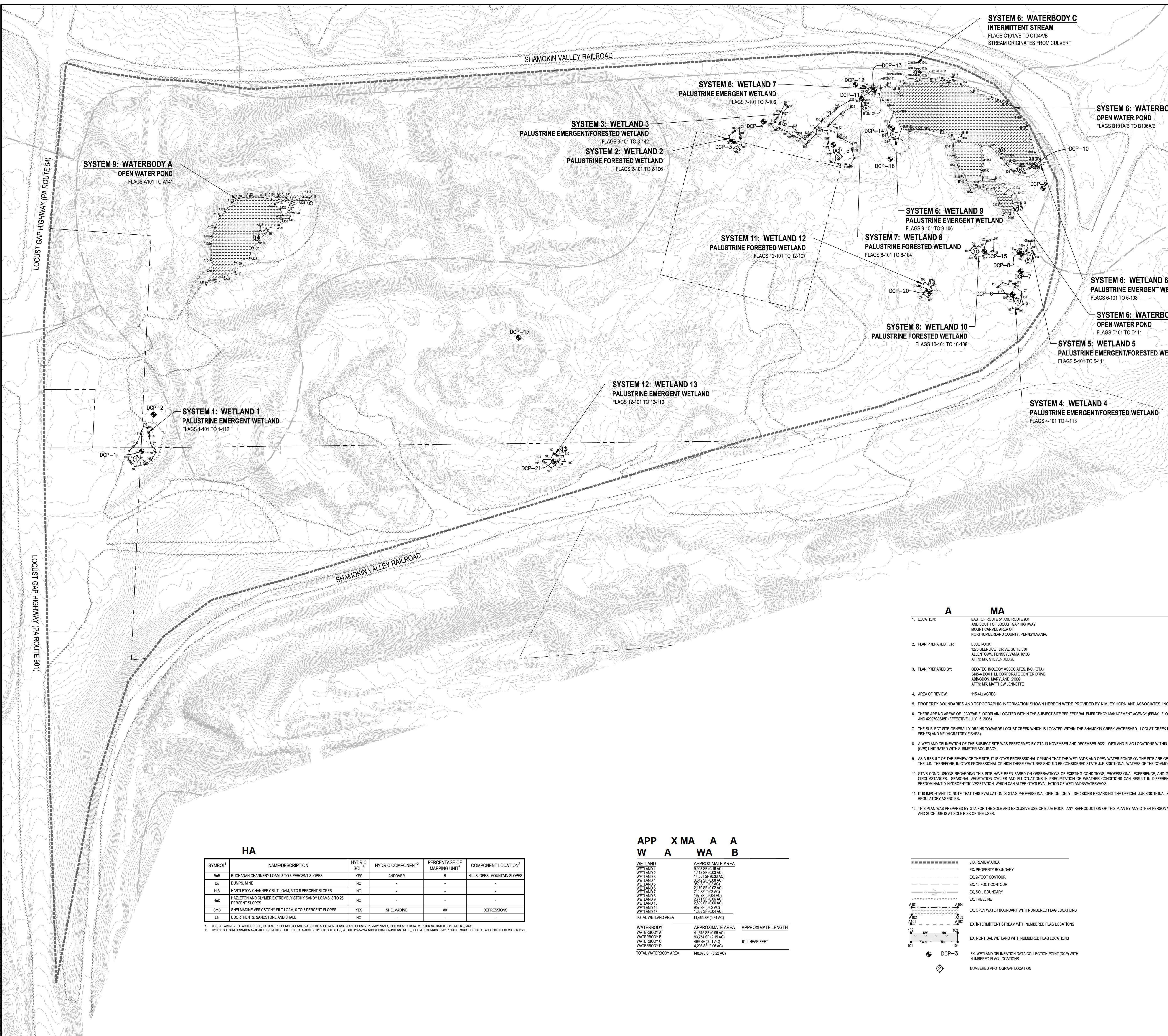
Sincerely,

[REDACTED]

Enclosures

To identify how we can better serve you, we need your help. Please take the time to fill out our new customer service survey at:

<https://regulatory.ops.usace.army.mil/customer-service-survey/>



- A MA**
- LOCATION: EAST OF ROUTE 54 AND ROUTE 901 AND SOUTH OF LOCUST GAP HIGHWAY MOUNT CARMEL AREA OF NORTHUMBERLAND COUNTY, PENNSYLVANIA.
 - PLAN PREPARED FOR: BLUE ROCK 1275 GLENKLET DRIVE, SUITE 330 ALLENTOWN, PENNSYLVANIA 18106 ATTN: MR. STEVEN JUDE
 - PLAN PREPARED BY: GEO-TECHNOLOGY ASSOCIATES, INC. (GTA) 3464-A BOX HILL CORPORATE CENTER DRIVE ABINGDON, MARYLAND 21009 ATTN: MR. MATTHEW JENNETTE
 - AREA OF REVIEW: 115.44 ACRES
 - PROPERTY BOUNDARIES AND TOPOGRAPHIC INFORMATION SHOWN HEREON WERE PROVIDED BY KIMLEY HORN AND ASSOCIATES, INC.
 - THERE ARE NO AREAS OF 100-YEAR FLOODPLAIN LOCATED WITHIN THE SUBJECT SITE PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 42097C0340D (EFFECTIVE JULY 16, 2008) AND 42097C0340D (EFFECTIVE JULY 16, 2008).
 - THE SUBJECT SITE GENERALLY DRAINS TOWARDS LOCUST CREEK WHICH IS LOCATED WITHIN THE SHAMOKIN CREEK WATERSHED. LOCUST CREEK IS CLASSIFIED IN THE PENNSYLVANIA CODE 25 PA CODE § 80 AS CWF (COLD WATER FISHES) AND M (MIGRATORY FISHES).
 - A WETLAND DELINEATION OF THE SUBJECT SITE WAS PERFORMED BY GTA IN NOVEMBER AND DECEMBER 2022. WETLAND FLAG LOCATIONS WITHIN THE SUBJECT SITE WERE LOCATED BY GTA USING A GLOBAL POSITIONING SYSTEM (GPS) UNIT RATED WITH SUBMETER ACCURACY.
 - AS A RESULT OF THE REVIEW OF THE SITE, IT IS GTA'S PROFESSIONAL OPINION THAT THE WETLANDS AND OPEN WATER PONDS ON THE SITE ARE GEOGRAPHICALLY ISOLATED AND DO NOT HAVE A SIGNIFICANT NEXUS TO WATERS OF THE U.S. THEREFORE, IN GTA'S PROFESSIONAL OPINION THESE FEATURES SHOULD BE CONSIDERED STATE-JURISDICTIONAL WATERS OF THE COMMONWEALTH, BUT NOT FEDERALLY-JURISDICTIONAL WATERS OF THE U.S.
 - GTA'S CONCLUSIONS REGARDING THIS SITE HAVE BEEN BASED ON OBSERVATIONS OF EXISTING CONDITIONS, PROFESSIONAL EXPERIENCE, AND GENERALLY ACCEPTED PROFESSIONAL ENVIRONMENTAL PRACTICE UNDER SIMILAR CIRCUMSTANCES. SEASONAL VEGETATION CYCLES AND FLUCTUATIONS IN PRECIPITATION OR WEATHER CONDITIONS CAN RESULT IN DIFFERENCES IN THE PERCEPTION OF HYDROLOGIC CONDITIONS AND THE PRESENCE OF PREDOMINANTLY HYDROPHYTIC VEGETATION, WHICH CAN ALTER GTA'S EVALUATION OF WETLANDS/WATERWAYS.
 - IT IS IMPORTANT TO NOTE THAT THIS EVALUATION IS GTA'S PROFESSIONAL OPINION, ONLY. DECISIONS REGARDING THE OFFICIAL JURISDICTIONAL STATUS OF WETLANDS/WATERWAYS ARE MADE BY FEDERAL, STATE, AND/OR LOCAL REGULATORY AGENCIES.
 - THIS PLAN WAS PREPARED BY GTA FOR THE SOLE AND EXCLUSIVE USE OF BLUE ROCK. ANY REPRODUCTION OF THIS PLAN BY ANY OTHER PERSON WITHOUT THE EXPRESSED WRITTEN PERMISSION OF BLUE ROCK IS UNAUTHORIZED, AND SUCH USE IS AT SOLE RISK OF THE USER.

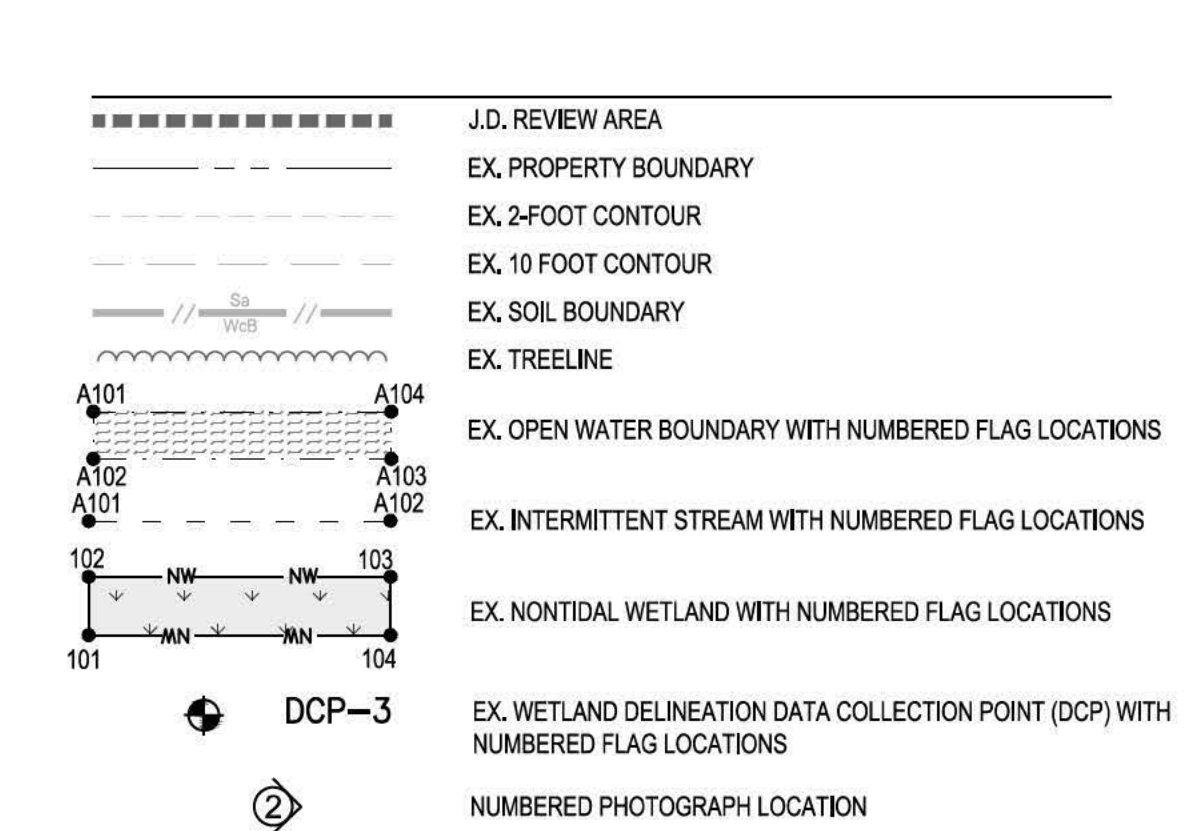
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SYMBOL ¹	NAME/DESCRIPTION ¹	HYDRIC SOIL ²	HYDRIC COMPONENT ²	PERCENTAGE OF MAPPING UNIT ²	COMPONENT LOCATION ²
BuB	BUCHANAN CHANNERY LOAM, 3 TO 6 PERCENT SLOPES	YES	ANDOVER	5	HILLSLOPES, MOUNTAIN SLOPES
Du	DUARS, SINE	NO	-	-	-
Hb	HARTLETON CHANNERY SILT LOAM, 3 TO 8 PERCENT SLOPES	NO	-	-	-
HuD	HAZLETON AND CLYMER EXTREMELY STONY SANDY LOAMS, 6 TO 25 PERCENT SLOPES	NO	-	-	-
SmB	SHELMADINE VERY STONY SILT LOAM, 0 TO 8 PERCENT SLOPES	YES	SHELMADINE	80	DEPRESSIONS
Uu	LOOKTMENTS, SANDSTONE AND SHALE	NO	-	-	-

¹ U.S. DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, NORTHUMBERLAND COUNTY, PENNSYLVANIA. SOIL SURVEY DATA, VERSION 18, DATED SEPTEMBER 8, 2022.
² HYDRIC SOIL INFORMATION AVAILABLE FROM THE STATE SOIL DATA ACCESS HYDRIC SOIL LIST: AT <HTTP://WWW.NECS.USDA.GOV/TERMINET/DOCUMENTS/HYDRIC/PHD/18/MS/FLANDERS/PARTNER>. ACCESSSED DECEMBER 8, 2022.

APP X MA A A W A WA B

WETLAND	APPROXIMATE AREA	WATERBODY	APPROXIMATE AREA	APPROXIMATE LENGTH
WETLAND 1	8,908 SF (0.20 AC)	WATERBODY A	47,615 SF (0.86 AC)	61 LINEAR FEET
WETLAND 2	14,512 SF (0.33 AC)	WATERBODY B	93,784 SF (2.15 AC)	
WETLAND 3	14,251 SF (0.33 AC)	WATERBODY C	498 SF (0.01 AC)	
WETLAND 4	3,256 SF (0.07 AC)	WATERBODY D	4,205 SF (0.09 AC)	
WETLAND 5	890 SF (0.02 AC)	TOTAL WATERBODY AREA	140,076 SF (3.22 AC)	
WETLAND 6	2,178 SF (0.05 AC)			
WETLAND 7	717 SF (0.02 AC)			
WETLAND 8	2,927 SF (0.07 AC)			
WETLAND 9	2,717 SF (0.06 AC)			
WETLAND 10	2,629 SF (0.06 AC)			
WETLAND 11	857 SF (0.02 AC)			
WETLAND 12	1,698 SF (0.04 AC)			
WETLAND 13	1,698 SF (0.04 AC)			
TOTAL WETLAND AREA	41,465 SF (0.94 AC)			



	3464-A BOX HILL CORPORATE CENTER DRIVE ABINGDON, MARYLAND 21009 410-654-6466 FAX: 410-651-4895 WWW.GTAINS.COM © GEO-TECHNOLOGY ASSOCIATES, INC.
	WETLAND DELINEATION PLAN M U A M U H <small>MOUNT CARMEL TOWNSHIP, NORTHUMBERLAND COUNTY, PENNSYLVANIA</small>
REVISIONS: • 2023-05-15 - ADDED WETLAND 12, WETLAND 13, DCP-20, AND DCP-21	JOB NO: 31222201 SCALE: 1"=100' DATE: DECEMBER 14, 2022 DRAWN BY: JBR DESIGN BY: REVIEW BY: MAITAS SHEET: 1 OF 1

Aquatic Resource Information - Mount Carmel South project

Wetland ID:	Coordinates (center of resource)		Approximate Area
Wetland 1 (PEM)	40.77994°	-76.44531°	9,908 sf (0.16 Acres)
Wetland 2 (PFO)	40.78405°	-76.43924°	1,412 sf (0.03 Acres)
Wetland 3 (PEM/PFO)	40.78435°	-76.43827°	14,551 sf (0.33 Acres)
Wetland 4 (PEM/PFO)	40.78330°	-76.43548°	3,542 sf (0.08 Acres)
Wetland 5 (PEM/PFO)	40.78369°	-76.43545°	950 sf (0.02 Acres)
Wetland 6 (PEM)	40.78442°	-76.43576°	2,170 sf (0.02 Acres)
Wetland 7 (PEM)	40.78479°	-76.43777°	710 sf (0.02 Acres)
Wetland 8 (PFO)	40.78468°	-76.43786°	197 sf (0.004 Acres)
Wetland 9 (PEM)	40.78448°	-76.43738°	2,771 sf (0.06 Acres)
Wetland 10 (PFO)	40.78360°	-76.43596°	2,609 sf (0.06 Acres)
Wetland 12 (PFO)	40.78312°	-76.43652°	957 sf (0.02 Acres)
Wetland 13 (PEM)	40.78075°	-76.44042°	1,688 sf (0.04 Acres)

Waterbody ID	Coordinates (center of resource)		Approximate Area
Waterbody A (Open Water Pond)	40.78213°	-76.44476°	41,615 sf (0.96 Acres)
Waterbody B (Open Water Pond)	40.78477°	-76.43661°	93,754 sf (2.15 Acres)
Waterbody C (Intermittent Stream)	40.78506°	-76.43730°	499 sf (0.01 Acres); 61 linear feet
Waterbody D (Open Water Pond)	40.78412°	-76.43593°	4,208 sf (0.06 Acres)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: [REDACTED]	File Number: NAB-2023-00104-P05	Date: 10/24/2023
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL WITHOUT PREJUDICE	C
<input type="checkbox"/>	PERMIT DENIAL WITH PREJUDICE	D
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:

[Redacted contact information]

If you have questions regarding the appeal process, or to submit your request for appeal, you

[Redacted contact information]

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

<hr/> <p>Signature of appellant or agent.</p>	Date:
Email address of appellant and/or agent:	Telephone number: