



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
STATE COLLEGE FIELD OFFICE
1631 SOUTH ATHERTON STREET, SUITE 101
STATE COLLEGE, PENNSYLVANIA 16801-6260

February 6, 2025

Operations Division

Andy Brookens
Ambrook Consulting, LLC
3642 Pampas Circle
Chambersburg, Pennsylvania 17202

Dear Mr. Brookens:

This is in response to your Email request letter dated June 30, 2024, requesting a preliminary determination of the presence or indications of the approximate location(s) of waters of the United States, including wetlands on the 700 acre property located just north of U.S. Interstate 81, off Country Club Road, Middlesex Township, Cumberland County, Pennsylvania (40.253552/-77.119254). Your project has been assigned the file name, NAB-2025-00074-P12 (Bolt Land Development Project).

A field inspection was conducted on August 27, 2024. This preliminary jurisdictional determination finds that there "may be" waters of the United States, including wetlands within the review area as indicated by the approximate location(s) of waters of the United States, including wetlands within the review area on submitted drawings prepared by "Livic Civil", labeled "Wetland Exhibit – Overall, North, East and West" dated December 9, 2024, and identifies all potential jurisdictional waters and wetlands within the review area. These areas may be regulated by this office pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act.

This preliminary jurisdictional determination is based on the information included on the enclosed Preliminary Jurisdictional Determination Form (Enclosure 1) and is not appealable. If you do not agree with the extent of waters or wetlands and this preliminary JD, you are hereby advised of your option to request and obtain an approved JD from this office at the address above. An approved JD is an official, written Corps determination stating the presence or absence of jurisdictional waters of the United States and identifies the limits of waters of the United States on a project site. An approved JD can be relied upon for a period of 5 years and can be appealed through the Corps' administrative appeal process set out at 33 CFR Part 331.

You are reminded that any grading or filling of waters of the United States, including wetlands, is subject to Department of the Army authorization. State and local authorizations may be required to conduct activities in these locations. Wetlands and other waters under the jurisdiction of the Pennsylvania Department of Environmental

Protection (PADEP) may also be located on the parcel. You may contact the PADEP at (717) 787-6827 for information regarding jurisdiction and permitting requirements. In addition, the Interstate Land Sales Full Disclosure Act may require that prospective buyers be made aware, by the seller, of the Federal authority over any waters of the United States, including wetlands, being purchased.

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 will be furnished to MDE for informational purposes. If you have any questions concerning this matter, please call Mr. Michael Dombroskie, of this office, at 814-235-0571 or via email at mike.dombroskie@usace.army.mil.

Sincerely,

Michael Dombroskie
Project Manager, Pennsylvania Section
Regulatory Branch

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/>

U.S. Army Corps of Engineers (USACE) PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) For use of this form, see Sec 404 CWA, Sec 10 RHA, Sec 103 MPRSA; the proponent agency is CECW-COR.				Form Approved - OMB No. 0710-0024 Expires 2024-04-30		
DATA REQUIRED BY THE PRIVACY ACT OF 1974						
Authority	Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.					
Principal Purpose	The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the review area that may be subject to federal jurisdiction under the regulatory authorities referenced above.					
Routine Uses	This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice or FOIA request as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in any resulting jurisdictional determination (JD), which may be made available to the public on the District's website and/or on the Headquarters USACE website.					
Disclosure	Submission of requested information is voluntary; however, if information is not provided, the request for a JD cannot be evaluated nor can a PJD be issued.					
The Agency Disclosure Notice (ADN)						
The public reporting burden for this collection of information, 0710-0024, is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.						
SECTION I - BACKGROUND INFORMATION						
A. REPORT COMPLETION DATE FOR PJD: 2025-02-06						
B. NAME AND ADDRESS OF PERSON REQUESTING PJD: Andy Brookens Ambrook Consulting, LLC 3642 Pampas Circle Chambersburg, Pennsylvania 17202						
C. DISTRICT OFFICE, FILE NAME, AND NUMBER: NAB-2025-00074-P12 (Bolt Land Development Project)						
D. PROJECT LOCATION AND BACKGROUND INFORMATION: (USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)						
State: <u>Pennsylvania</u> County/Parish/Borough: <u>Middlesex Township, Cumberland County</u> City: _____						
Center coordinates of site (lat/long in degree decimal format): Latitude: <u>40.253552</u> ° Longitude: <u>-77.11925</u> °						
Universal Transverse Mercator: _____						
Name of nearest waterbody: <u>Unnamed Tributaries to Conodoguinet Creek</u>						
E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):						
☒ Office (Desk) Determination. Date: <u>2024-08-27</u>						
☒ Field Determination						
Date(s): <u>August 27, 2024</u>						
TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.						
	Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)

	Site Number	Latitude (<i>decimal degrees</i>)	Longitude (<i>decimal degrees</i>)	Estimated amount of aquatic resource in review area (<i>acreage and linear feet, if applicable</i>)	Type of aquatic resource (<i>i.e., wetland vs. non-wetland waters</i>)	Geographic authority to which the aquatic resource "may be" subject (<i>i.e., Section 404 or Section 10/404</i>)
	See Attached Spreadsheet					

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD or no JD whatsoever, which do not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the USACE has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD or reliance on no JD whatsoever; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of USACE permit authorization based on a PJD or no JD whatsoever constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the USACE will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

F. SUPPORTING DATA. Data reviewed for PJD (*check all that apply*)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
 Project Bolt Land Development Project
 Jurisdictional Wetland-Watercourse Identification and Delineation Report, dated June 12, 2024
 Map: Middlesex Township, Cumberland County, Pennsylvania Maps include BW 93-95, Lidar, Topographic wetness indicator and NWI
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
- ☐ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.
- Rationale: _____
- ☐ Data sheets prepared by the USACE:

☐ Corps navigable waters' study:

☐ 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: NRCS Web Soil Survey Cumberland County

☒ National Wetlands Inventory map(s).

Cite Name: (<http://www.fws.gov/wetlands/Data/Mapper.html>)

☐ State/Local Wetland Inventory map(s):

☐ FEMA/FIRM maps:

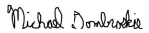
☐ 100-year Floodplain Elevation is: _____ . (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☐ Aerial (*Name & Date*): _____
or ☒ Other (*Name & Date*): Taken during the August 27, 2024 and photos included in the Wetland Delineation Report

☐ Previous determination(s). File no. and date of response letter:

☐ Other information (*please specify*):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the USACE and should not be relied upon for later jurisdictional determinations.

Name of Regulatory Staff Member Completing PJD Michael Dombroskie	Date 2/5/2025	Signature of Regulatory Staff Member Completing PJD 
Name of Person Requesting PJD	Date	Signature of Person Requesting PJD (<i>REQUIRED, unless obtaining the Signature is Impracticable</i>)

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Project Bolt Land Development Project – Middlesex Township, Cumberland County,
Pennsylvania

Summary of Aquatic Resources

Resource	Type	Location	Acres	Linear Feet
Wetland A	PEM	40.2442 / -77.1149	0.08 Acres	-
Wetland B	PEM	40.2461 / -77.1180	3.99 Acres	-
Wetland C	PEM	40.2477 / -77.1197	0.20 Acres	-
Wetland D	PEM	40.2491 / -77.1316	1.26 Acres	-
Wetland E	PEM	40.2494 / -77.1252	0.20 Acres	-
Wetland F	PEM	40.2483 / -77.1211	0.005 Acres	-
Wetland J	PEM	40.2497 / -77.1222	0.02 Acres	-
Wetland L	PEM/PSS	40.2516 / -77.1261	1.07 Acres	-
Wetland M	PEM/PSS	40.2536 / -77.1244	0.07 Acres	-
Wetland N	PEM	40.2552 / -77.1219	0.03 Acres	-
Wetland O	PEM	40.2555 / -77.1202	0.35 Acres	-
Wetland P	PEM	40.2544 / -77.1188	0.84 Acres	-
Wetland Q	PEM	40.2580 / -77.1197	0.008 Acres	-
Wetland R	PEM	40.2641 / -77.1155	0.61 Acres	-
Wetland S	PEM	40.2630 / -77.1155	0.21 Acres	-

Wetland T	PEM	40.2569 / -77.1130	0.11 Acres	-
Wetland U	PEM	40.2552 / -77.1116	0.09 Acres	-
Wetland V	PEM	40.2561 / -77.1125	0.02 Acres	-
Wetland W	PEM	40.2547 / -77.1108	0.28 Acres	-
Wetland Y	PEM	40.2516 / -77.1111	0.37 Acres	-
Wetland Z	PEM/PSS/PFO	40.2572 /- 77.1215	112.94 Acres	-
Channel - 01	Perennial	40.2480 / -77.1205	-	1,582 Feet *Includes Length of Channel That Is Presently Enclosed
Channel - 02	Perennial	40.2469 / -77.1244	-	1,356 Feet *Includes Length of Channel That Is Presently Enclosed
Channel - 03	Intermittent	40.2536 / -77.1241	-	64 Feet
Channel - 04	Intermittent	40.2569 / -77.1136	-	202 Feet
Channel - 05	Intermittent	40.2552 / -77.1127	-	377 Feet
Channel - 06	Perennial	40.2538 / -77.1122	-	804 Feet
Channel - 07	Intermittent	40.2538 / -77.1094	-	36 Feet

Channel – 08	Perennial	40.2599 / -77.1210	-	14,900 Feet
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