DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

received
11-30-10

REPLY TO
ATTENTION OF

Regulatory Branch
Applications Section II

RECEIVED
DEC 17 2010
C. Robert Wynn Associates, Inc

SUBJECT: CENAP-OP-R-2010-711-35 (JD)
Project Name: Select Properties - 1731 Old Bethlehem Pike

Dr. John Szczepanski, Ph.D.
NOVA Consultants LTD
251 Burgundy Lane
Newtown, Pennsylvania 18940

Dear Dr. Szczepanski:

This letter is written with regard to your request for verification of a preliminary jurisdictional determination. The property associated with your request is located at 1731 Old Bethlehem Pike, Tax Map Parcel number 12-008-022, East Rockhill Township, Bucks County, Pennsylvania.

Pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States including adjacent and isolated wetlands. Any proposal to perform the above activities within any waters of the United States requires the prior approval of this office.

The plans identified on the following page depict all delineated waters and wetlands on the subject site that may be jurisdictional under Section 10 of the Rivers and Harbor Act and/or Section 404 of the Clean Water Act. This preliminary determination has been conducted to identify the location(s) of waters and wetlands that may be waters of the United States for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

This preliminary jurisdictional determination is non-binding and indicates that there may be waters of the United States, including wetlands, on the parcel. Preliminary JDs are advisory in nature and may not be appealed (See attached Notification of Appeal Form (Enclosure 1)); however, the applicant retains the right to request an approved Jurisdictional Determination, which may be appealed, for the site. Also enclosed (Enclosure 2) is a copy of the Preliminary Jurisdictional Determination Form signed by the applicant or his agent agreeing to accept a preliminary jurisdictional determination. Please be aware that for purposes of computation of

impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S.

This letter is valid for a period of five (5) years. This preliminary jurisdictional determination is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify the preliminary jurisdictional determination at any time should existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete, or inaccurate.

Additionally, the property was evaluated for suitable habitat for the Federally threatened Bog Turtle (*Clemmys muhlenbergii*). Wetlands consistent with habitat suitable for Bog Turtle, i.e., mucky emergent wetlands, were not found on the site. The site does contain an intermittent stream and forested wetlands that do not contain the parameters typical of Bog Turtle habitat. Therefore, the site does not contain habitat suitable for Bog Turtle.

If you should have any questions regarding this matter, please contact me at (215) 656-5822 between the hours of 1:00 and 3:30 p.m. or write to the above address.

Sincerely,

Michael H. Hayduk
Senior Staff Biologist

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SUBJECT PROPERTY: Tax Map Parcel 12-008-022, East Rockhill Township, Bucks County, Pennsylvania.

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SURVEY DESCRIPTION: Plan entitled "Existing Features Plan, 1731 Old Bethlehem Pike...", dated October 28, 2010, un- revised, prepared by Kennedy & Associate.

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COMMENTS: Site inspection by representative of this office on October 15, 2010.

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Enclosure