



REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAHER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

JUL 29 2015

Orig: FILE  
cc: AMIEE B.  
GARY L.  
MIKE K.

Regulatory Branch  
Applications Section II

SUBJECT: CENAP-OP-R-2013-623-83  
Project Name: Primrose Creek Restoration and Sinkhole Stabilization

George Riordan  
New Hope Crushed Stone and Lime Co.  
6970 Phillips Mill Road  
P.O. Box 248  
New Hope, PA 18938

Dear Mr. Riordan:

This letter is in regard to Department of the Army jurisdiction over the proposed work described in your application received on October 30, 2014 to conduct stabilization work and sinkhole mitigation within Primrose Creek upstream from the quarry's highwall in Solebury Township, Bucks County, Pennsylvania. This letter also contains an approved jurisdictional determination as requested on March 09, 2015 for the subject site.

Under current Federal regulations, 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 their adjacent wetlands. Discharges of fill material include activities such as: the placement of rock, sand, dirt, or other material for the construction of any structures, impoundment or site development; grading; fill associated with the creation of ponds; and property protection or reclamation devices such as riprap and breakwaters. Any proposal involving the performance of the above activities within the area of Federal jurisdiction, whether the work is permanent or temporary, will require the prior approval of this office pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

A determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction over the proposed work and for the subject site contained in those applications. 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.

Based on the information you have provided, it has been determined that the proposed project described in your application, received on October 30, 2014, will not require the approval of this office since it does not involve regulated activities in Federally regulated waters or wetlands. The basis of our determination of Jurisdiction is provided (Enclosure 1).

This letter is valid for a period of 5 years. However, the jurisdictional determination is based upon existing site conditions and information provided by you in your application. This office reserves the right to modify and re-evaluate this jurisdictional determination at any time if existing site conditions change or if Federal regulations change, or should the information provided by you prove to be false, incomplete, or inaccurate.

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form (Enclosure 2). If you request to appeal this determination, you must submit a completed RFA form to the North Atlantic Division Office at the following address:

Mr. James Haggerty  
Regulatory Appeals Review Officer  
North Atlantic Division, U.S. Army Corps of Engineers  
Fort Hamilton Military Community  
General Lee Avenue, Building 301  
Brooklyn, NY 11252-6700

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 NAP. Should you decide to submit an RFA form, it must be received at the above address by SEP 29 2015.

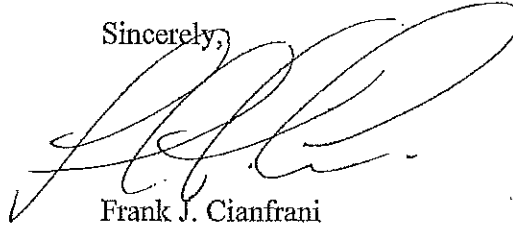
It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

It should be noted that there are waters on the site, as depicted on the plan (Enclosure 3) described below, that are not regulated by the U.S. Army Corps of Engineers. However, these waters may be regulated by state, county, and/or local agencies. It is recommended that you contact the PADEP, SE regional office (Norristown, PA), Bucks County Conservation District, and your local municipality to determine if the waters on the subject property are regulated by these agencies.

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DEPT. OF THE ARMY  
PORTSMOUTH CIVIL OFFICE

If you should have any questions regarding this matter, please contact Robert Deems of this office at (215) 656-5753 between the hours of 1:00 and 3:30 p.m. or write to the above address.

Sincerely,



Frank J. Cianfrani  
Chief, Regulatory Branch

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SUBJECT PROPERTY: New Hope Crushed Stone and Lime Company located in Solebury Township, Bucks County, Pennsylvania.

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SURVEY DESCRIPTION: Primrose Creek Restoration and Sinkhole Stabilization Project "Jurisdictional Determination Site Plan", One (1) sheet, Dated 5/14/2015, and Prepared by EarthRes Engineering and Science.

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COMMENTS: Site inspection(s) by representative of this office were conducted on 11/14/15 and 4/01/15. Total jurisdictional determination request area is 2.23 acres, to include 1273.26 L.F. of stream channel within the upstream reach of Primrose Creek. Lower reach of Primrose Creek below the quarry is not included in jurisdictional determination.

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Enclosures:

Copies Furnished:

Bucks County Conservation District

PADEP, SE Regional Office (Norristown, PA)

PADEP, Pottsville District Mining Office (Pottsville, PA)

USFWS Pleasantville

USEPA Region II

Dennis Carney

Solebury Township

3092 Sungan Road

PO Box 139,

Solebury Township, PA 18963

Jillian M. Olsen

EARTHRES Group, Inc.

6912 Old Easton Road

Pipersville, PA 18947

2015 AUG - 3 AM 11:03

DEPT OF ENVIRONMENTAL PROTECTION  
POTTSVILLE DISTRICT OFFICE