

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**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): December 20, 2018**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: POA-2009-01078**

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

State: Alaska County/parish/borough: Kenai Peninsula Borough City: Soldotna  
Center coordinates of site (lat/long in degree decimal format): Lat. 60.4908° N, Long. 151.0760° W  
Name of nearest waterbody: Kenai River  
Name of watershed or Hydrologic Unit Code (HUC): Lower Kenai River

- Check if map/diagram of review area is 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: December 18, 2018  
 Field Determination. Date(s):

**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.

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

There are **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: 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: plat map  
 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: Site Visit on 08 October 2009  
 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: Western Kenai Peninsula Soil Survey, 2005, USDA Web Soil Survey (accessed 18 December 2018)  
 National wetlands inventory map(s). Cite name: <https://www.fws.gov/wetlands/Data/Mapper.html> (accessed 18 December 2018)  
 State/Local wetland inventory map(s): Wetland Mapping and Classification of the Kenai Lowland, Alaska. 21 March 2008. Gracz, Mike, Noyes, K., North, P., and Tande, G.; cookinletwetlands.info (accessed 18 December 2018)  
 FEMA/FIRM maps:  
 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)  
 Photographs:  Aerial (Name & Date): Digital Globe, 07 June 2018  
 or  Other (Name & Date): Site visit, 08 Oct 2009  
 Previous determination(s). File no. and date of response letter: POA-2009-1078, 27 October 2009  
 Applicable/supporting case law:  
 Applicable/supporting scientific literature:  
 Other information (please specify): October 8, 2009 site visit MFR

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** The entirety of the 3.18 acre parcel is an upland. A previous determination found the site to be an upland. The Corps conducted a site visit on October 08, 2009. At that time, the three parameters necessary for an area to be considered a

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

wetland were not present. A review of recent aerial imagery indicates that the conditions of the site have not changed. Based on the information gathered in 2009 and the Digital Globe aerial imagery from 2018, we have determined the site is an upland.

  
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Ben Polley  
Regulatory Specialist  
Southeast Section

December 20, 2018  
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Date