

APPROVED JURISDICTIONAL DETERMINATION FORM
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): September 24, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Alaska District, POA-2018-198, Chena Slough

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alaska Borough: North Star City: North Pole
Center coordinates of site (lat/long in degree decimal format): Lat. 64.7651 ° N., Long. 147.3074 °W.
Name of nearest waterbody: Chena Slough
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: none
Name of watershed or Hydrologic Unit Code (HUC): Chena Slough

Check if map of review area are 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: August 2, 2018
 Field Determination. Date(s): Field site visit on June 29, 2018 and July 10, 2018

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There CHOOSE: 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. *[Required]*

- Waters subject to the ebb and flow of the tide.
- Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: TEXT

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There CHOOSE: are/are no/are and are not "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. *[Required]*

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

Non-wetland waters: 0 acres

Wetlands: 1.02 acres.

c. **Limits (boundaries) of jurisdiction based on:** The physical limits of the wetlands are within the former gravel pit areas.

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional wetlands were assessed within the review area and determined to be not jurisdictional (attached Memorandum For Record with attached sheets 1-6).

Explain: The subject water/wetlands in the review area are non-jurisdictional because they are not adjacent to a tributary, and there are no surface water connections between the subject wetlands and a tributary. The subject wetlands are not within a floodplain of any waterbody and is not part of a wetland complex adjacent to a stream or tributary. There are no floodplain features within the immediate review area. The nearest waterbody is the Chena Slough located approximately 1,400 feet to the southwest. The subject wetland is an artifact of excavation for gravel mining and is within a heavily developed residential development area.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: TEXT

Summarize rationale supporting determination: TEXT

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: TEXT

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section

³ Supporting documentation is presented in Section III F.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: TEXT

Drainage area: TEXT

Average annual rainfall: # inches

Average annual snowfall: # inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through CHOOSE: Enter # or 10 or more tributaries before entering TNW.

Project waters are CHOOSE: Enter # or 30 or more river miles from TNW.

Project waters are CHOOSE: Enter # or 30 or more river miles from RPW.

Project waters are CHOOSE: Enter # or 30 or more aerial (straight) miles from TNW.

Project waters are CHOOSE: Enter # or 30 or more aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: TEXT

Identify flow route to TNW⁵: TEXT

Tributary stream order, if known: TEXT

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural

Artificial (man-made). Explain: TEXT

Manipulated (man-altered). Explain: TEXT

Tributary properties with respect to top of bank (estimate):

Average width: # feet

Average depth: # feet

Average side slopes: Choose an item.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete

Cobbles Gravel Muck

Bedrock Vegetation. Type/% cover: TEXT

Other. Explain: TEXT

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: TEXT

Presence of run/riffle/pool complexes. Explain: TEXT

Tributary geometry: CHOOSE: Relatively Straight/Meandering

Tributary gradient (approximate average slope): #%

(c) Flow:

Tributary provides for: CHOOSE: Seasonal Flow/Intermittent but not Seasonal Flow/Ephemeral Flow

Estimate average number of flow events in review area/year: CHOOSE: Enter # or 20 (or greater)

Describe flow regime: TEXT

Other information on duration and volume: TEXT

Surface flow is: CHOOSE: Discrete/Confined/Discrete and Confined/Overland Sheetflow

Characteristics: TEXT

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Subsurface flow: CHOOSE: Yes/No/Unknown Explain findings: TEXT

Dye (or other) test performed: TEXT

Tributary has (check all that apply):

Bed and banks

OHWM⁶ (check all indicators that apply):

- | | |
|---|---|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community TEXT |
| <input type="checkbox"/> other (list): TEXT | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: TEXT | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by:

- oil or scum line along shore objects
 fine shell or debris deposits (foreshore)
 physical markings/characteristics
 tidal gauges
 other (list): TEXT

Mean High Water Mark indicated by:

- survey to available datum;
 physical markings;
 vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: TEXT

Identify specific pollutants, if known: TEXT

(iv) Biological Characteristics. Channel supports (check all that apply):

- Riparian corridor. Characteristics (type, average width): TEXT
 Wetland fringe. Characteristics: TEXT
 Habitat for:
 Federally Listed species. Explain findings: TEXT
 Fish/spawn areas. Explain findings: TEXT
 Other environmentally-sensitive species. Explain findings: TEXT
 Aquatic/wildlife diversity. Explain findings: TEXT

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: # acres

Wetland type. Explain: TEXT

Wetland quality. Explain: TEXT

Project wetlands cross or serve as state boundaries. Explain: TEXT

(b) General Flow Relationship with Non-TNW:

⁶ A natural or man-made discontinuity in the OHWM does not necessarily server jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷ Ibid.

Flow is: Choose an item. Explain: TEXT
 Surface flow is: CHOOSE: Discrete/Confined/Discrete and Confined/Overland Sheetflow
 Characteristics: TEXT
 Subsurface flow: CHOOSE: Yes/No/Unknown Explain findings: TEXT
Dye (or other) test performed: TEXT

(c) Wetland Adjacency Determination with Non-TNW:

- Directly abutting
- Not directly abutting
 - Discrete wetland hydrologic connection. Explain: TEXT
 - Ecological connection. Explain: TEXT
 - Separated by berm/barrier. Explain: TEXT

(d) Proximity (Relationship) to TNW

Project wetlands are CHOOSE: Enter # or 30 or more river miles from TNW.
 Project waters are CHOOSE: Enter # or 30 or more aerial (straight) miles from TNW.
 Flow is from: CHOOSE: Wetland to Navigable Water/Navigable Water to Wetland/Wetland to/from Navigable Water/No Flow
 Estimate approximate location of wetland as within the CHOOSE: Enter # or 500-year or greater. floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: TEXT
 Identify specific pollutants, if known: TEXT

(iii) Biological Characteristics. Wetland supports (check all that apply):

- Riparian buffer. Characteristics (type, average width): TEXT
- Vegetation type/percent cover. Explain: TEXT
- Habitat for:
 - Federally Listed species. Explain findings: TEXT
 - Fish/spawn areas. Explain findings: TEXT
 - Other environmentally-sensitive species. Explain findings: TEXT
 - Aquatic/wildlife diversity. Explain findings: TEXT

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: CHOOSE: Enter # or 30 or more
 Approximately (#) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Y/N	#	Y/N	#
Y/N	#	Y/N	#
Y/N	#	Y/N	#
Y/N	#	Y/N	#

Summarize overall biological, chemical and physical functions being performed: TEXT

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and

the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: TEXT
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: TEXT
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: TEXT

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

TNWs: # linear feet # width (ft), Or, # acres.

Wetlands adjacent to TNWs: # acres.

2. **RPWs that flow directly or indirectly into TNWs.**

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: TEXT

Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: TEXT

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: # linear feet # width (ft).

Other non-wetland waters: # acres.

Identify type(s) of waters: TEXT

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

⁸ See Footnote #3.

- Tributary waters: # linear feet # width (ft).
 - Other non-wetland waters: # acres.
- Identify type(s) of waters: TEXT

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: TEXT
 - Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: TEXT

Provide acreage estimates for jurisdictional wetlands in the review area: # acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: # acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: # acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: TEXT
- Other factors. Explain: TEXT

Identify water body and summarize rationale supporting determination: TEXT

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: # linear feet # width (ft).
 - Other non-wetland waters: # acres.
- Identify type(s) of waters: TEXT

⁹ To complete the analysis refer to the key in Section III D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Jurisdiction Following Rapanos*.

Wetlands: # acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: TEXT

Other: (explain, if not covered above): TEXT

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).

Lakes/ponds: # acres.

Other non-wetland waters: # acres. List type of aquatic resource:

Wetlands: 1.02 acre (0.58 acre-north wetland; 0.44 acre-south wetland) emergent cattail wetlands interspersed with open water naturalized in two former gravel pits.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).

Lakes/ponds: # acres.

Other non-wetland waters: # acres. List type of aquatic resource: TEXT

Wetlands: # acres.

SECTION IV: 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: TEXT

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: TEXT

Corps navigable waters' study: TEXT

U.S. Geological Survey Hydrologic Atlas: TEXT

USGS NHD data.

USGS 8 and 12 digit HUC maps.

Alaska District's Approved List of Navigable Waters

U.S. Geological Survey map(s). Cite scale & quad name: TEXT

USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS web soil survey;

<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

National wetlands inventory map(s). Simsuite database

State/Local wetland inventory map(s): TEXT

FEMA/FIRM maps: TEXT

100-year Floodplain Elevation is: TEXT (National Geodetic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): Simsuite

or Other (Name & Date): ORM database; on ground photos during site visit on June 29, 2018

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

Applicable/supporting case law: TEXT

Applicable/supporting scientific literature: TEXT

Other information (please specify): TEXT

B. ADDITIONAL COMMENTS TO SUPPORT JD: The subject wetland/ponds are artifacts of gravel extraction and are contained within berm features. The site is in Flood Zone X which does not require compliance with Fairbanks North Star Borough Title 15 Floodplain Management Regulations (email from FNSB dated July 3, 2018). Groundwater flow is likely in a northwest direction and away from the Chena Slough and Tanana Rivers (Glass and others 1996). Lack of flooding concerns in the immediate area surrounding the subject wetlands suggests that ground water is not near surface during annual high water events. Therefore, near surface ground water would have an unlikely influence on the physical, chemical and biological integrity of the Chena Slough.

John Sargent
Project Manager
North Central Section

Date



CEPOA-CO-R
MEMORANDUM FOR RECORD



SUBJECT: POA-2018-198, Padgett, Chena Slough negative (isolated)

SUMMARY: The Fairbanks Field Office has determined that the subject wetlands are non-jurisdictional. Both wetlands are non-jurisdictional (not regulated under Section 404 of the Clean Water Act).

LOCATION: Moose Walk, Lot 20C, off Dawson Road in North Pole, Alaska

MERIDIAN: Fairbanks

Latitude 64.7651° N., **Longitude** 147.3074 ° W.

DETERMINATION: A request for a jurisdictional determination was received at this office on May 13, 2018. A preliminary determination indicates that there are wetlands in the review area.

The 2 wetlands are naturalized pit ponds containing emergent wetlands (predominantly cattail) on two open water pit ponds. The two wetlands total approximately 1.02 acre (north wetland = 0.58 acre; south wetland = 0.44 acre). These wetlands are artifacts of gravel mining and are within a developed residential development area. The wetlands in the review area are non-jurisdictional because they are not adjacent to a tributary and do not meet the three criteria. 1) There are no permanent or intermittent surface water connections between the subject wetlands and a tributary. Connection via shallow surface groundwater to a jurisdictional water is unlikely because available information indicates groundwater flow is in a general northwest direction and away from Chena Slough and Tanana River (Glass and others 1996). 2) The Chena Slough is located approximately 1,400 feet to the southwest and, therefore, the subject wetlands are not separated by a berm or similar feature from a jurisdictional water in close proximity. 3) The subject water/wetlands are not within a floodplain of the Chena Slough and is not part of a wetland complex adjacent to a stream or tributary. Lack of flooding in the immediate area corroborates that ground water is not near surface during annual high water events in Tanana and Chena Sloughs. There are no floodplain features within the immediate review area. While the subject wetlands may provide habitat for breeding wood frogs and some aquatic invertebrates such as dragon flies, midges and mosquitos any connection to the ecological integrity of Chena Slough is speculative. Therefore, the subject wetlands have no ecological interconnection with jurisdictional waters.

The two wetlands are waters that are isolated, intrastate, non-navigable, and have no connections to interstate or foreign commerce. Therefore, pursuant to the federal guidance on the Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178 (January 9, 2001) ("SWANCC"), a DA permit is not required.

Literature Cited

Glass R.L., M.R. Lilly and D.F. Meyer. Ground-water levels in an alluvial plain between the Tanana River and Chena Rivers near Fairbanks, Alaska 1986-93. U.S. Geological Survey, Water-Resources Investigations Report 96-4060, 1996.

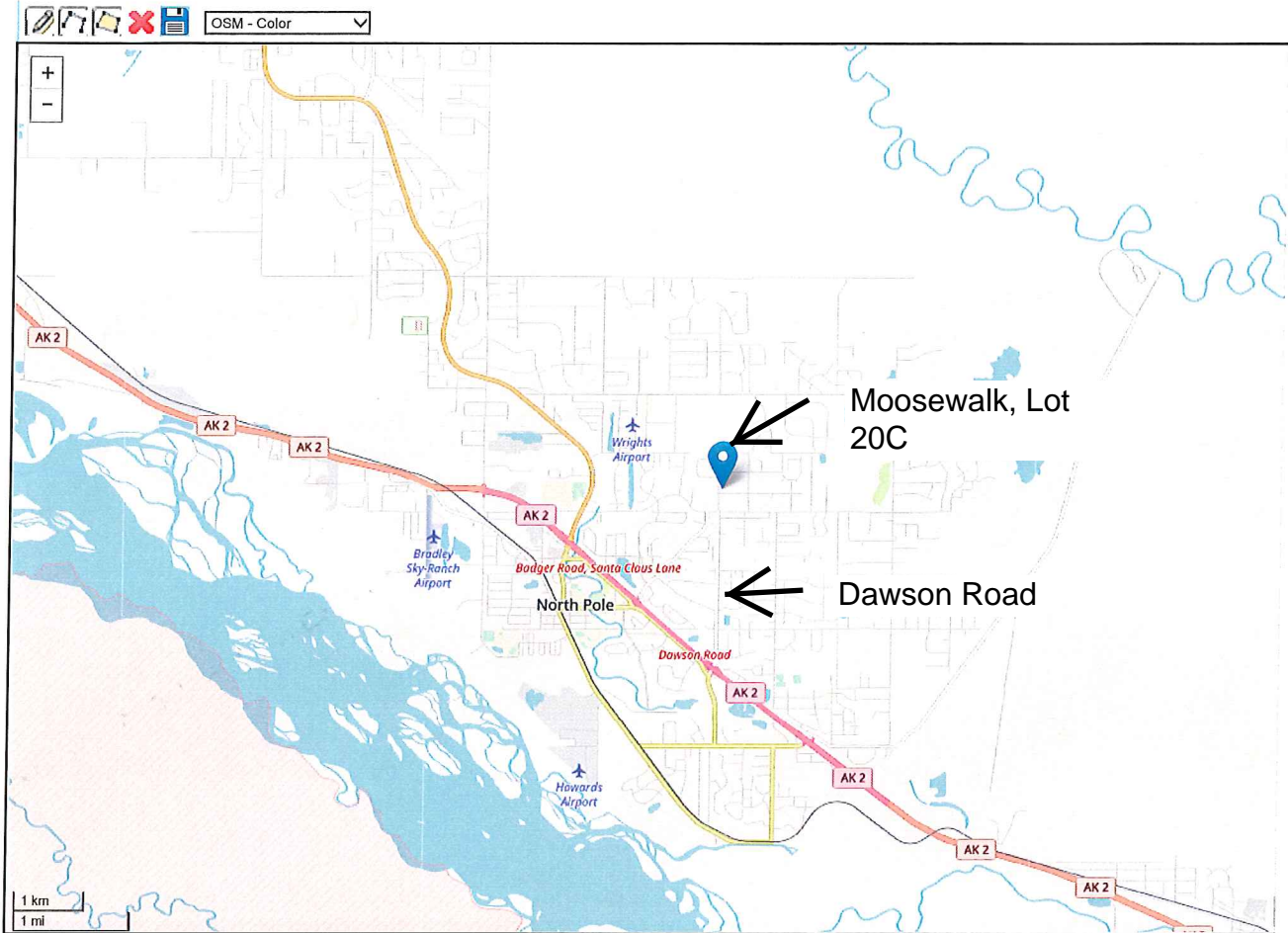
DATE: _____

SARGENT JOHN, C. Digitally signed by SARGENT JOHN, C. DN: cn=SARGENT JOHN, C. o=U.S. Geological Survey, ou=Water-Resources Investigations Report 96-4060, email=SARGENT JOHN, C.@USGS.GOV, c=US
1241426447

John Sargent
Project Manager

DA Number: POA-2018-00198 (Padgett, Chena Slough)
Applicant: Justin Padgett

Project Area Summary | Entered Address | GIS Lite Editor | CorpsMap | HUC Summary



POA-2018-198
Justin Padgett
Sheet 1 of 6
July 2, 2018



Additional Information

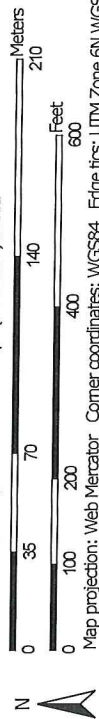
POA-2018-198
 Justin Padgett
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Soil Map—Greater Fairbanks Area, Alaska

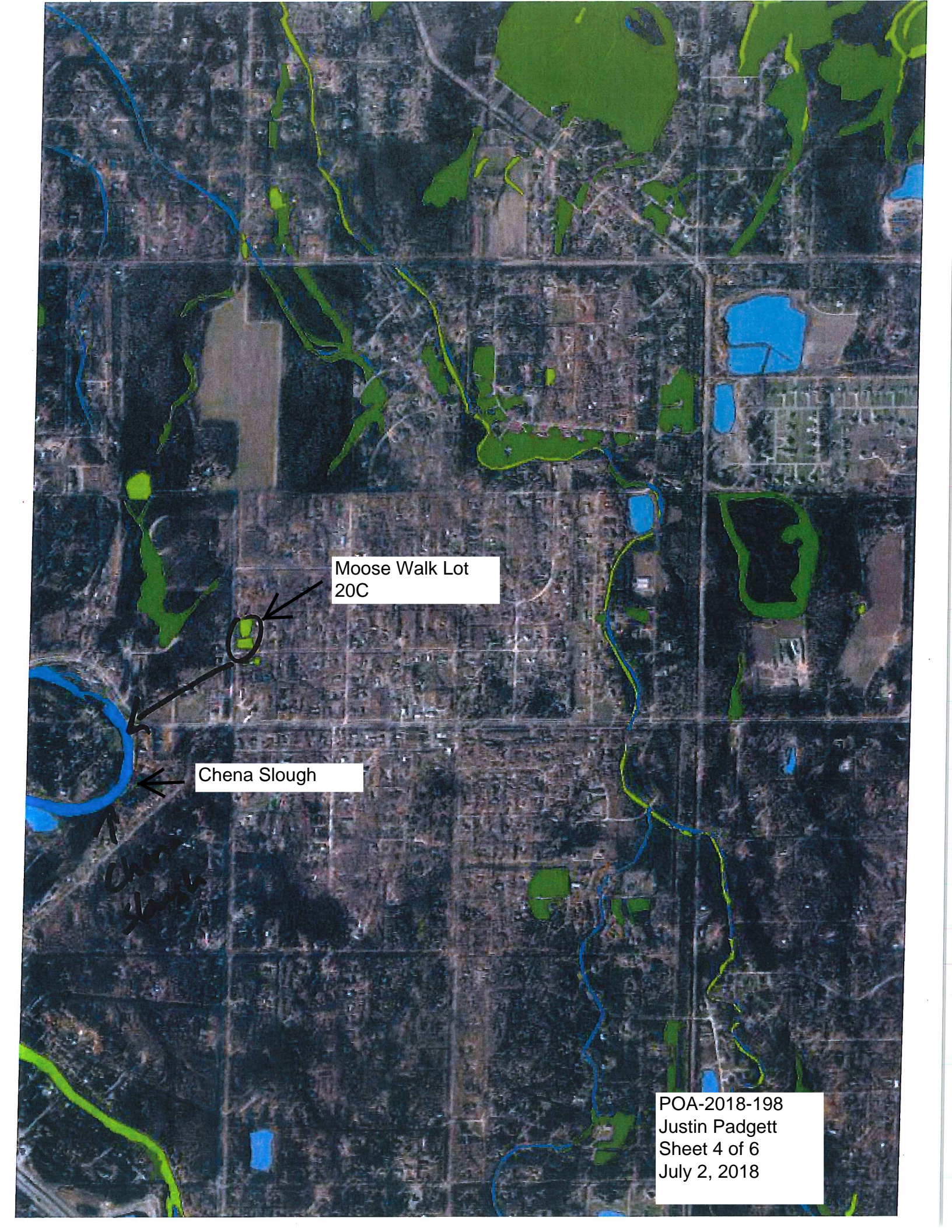


Soil Map may not be valid at this scale.

Map Scale: 1:2,690 if printed on A landscape (11" x 8.5") sheet.



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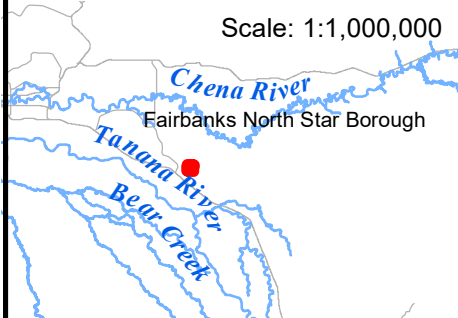
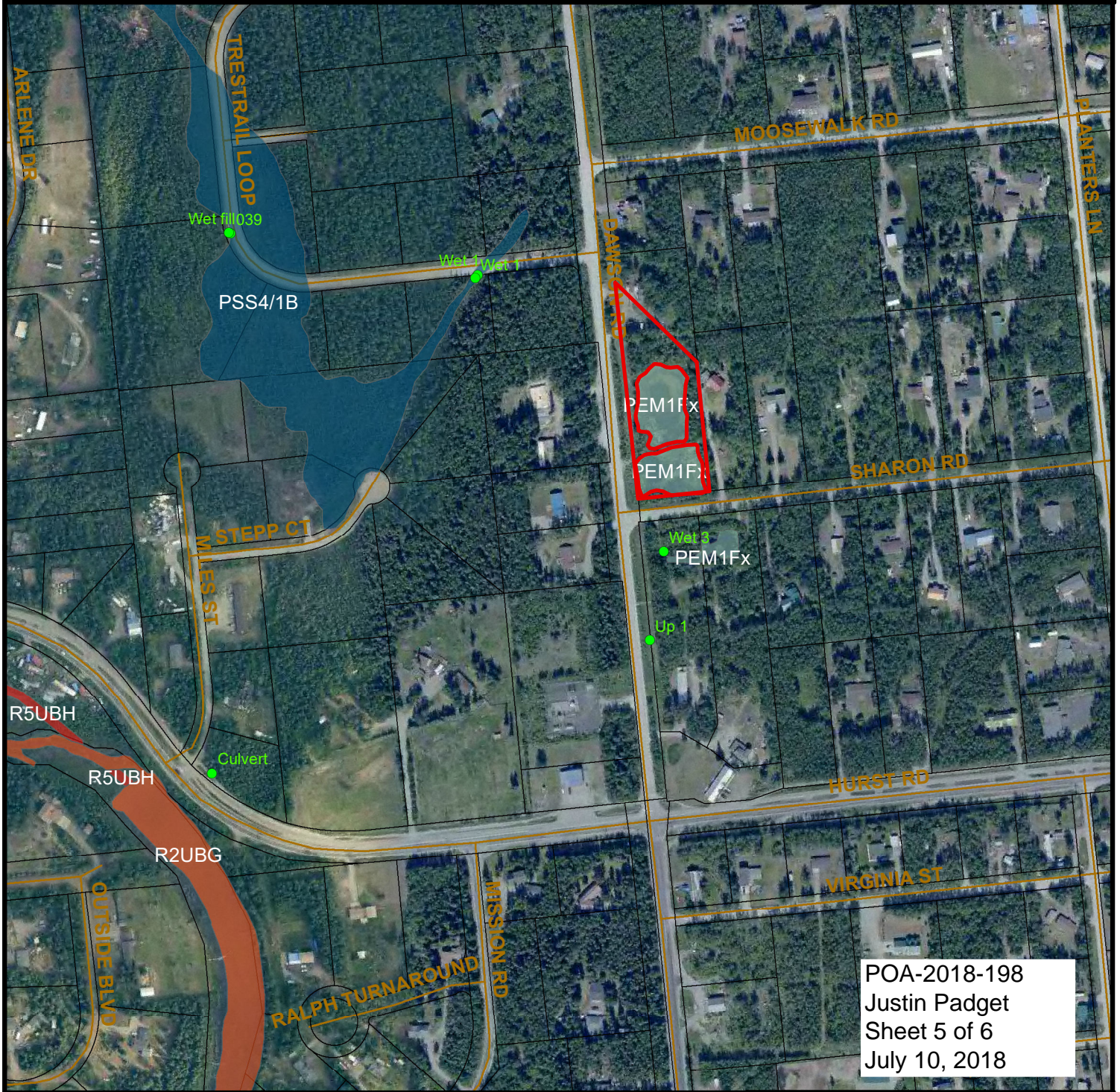


Moose Walk Lot
20C

Chena Slough

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POA-2018-198 National Wetland Inventory (NWI) and point locations (July 10, 2018)



USACE Regulatory, Alaska District
 Fairbanks Field Office (907) 474-2166
 Contact: amy.c.tipperty@usace.army.mil
 Date: 7/11/2018 Citation: NWI (2017)
 Projection: NAD 1983 Scale: 1:4,725
 Imagery: (FNSB, 2012)
 Rictometry2012.1m_MosaicPartial.ecw

0 260 520 780 Feet

Legend	
	Project Area
	POA-2018-198
	PEM1Fx
	PSS4/1B
	R2UBG
	R5UBH
	FNSB Tax Parcels
	FNSB Road Centerline



North wetland



South wetland

Two wetlands (naturalized pit ponds) containing cattail vegetation and open water at Moosewalk, Lot 20C off of Dawson Road in North Pole, Alaska (POA-2018-198, Justin Padgett). Photo taken on June 29, 2018.

POA-2018-198
Justin Padgett
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July 2, 2018