



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 8/6/2020

ORM Number: POA-1995-00150

Associated JDs: APMA 7220

Review Area Location<sup>1</sup>: State/Territory: Alaska City: N/A County/Parish/Borough: Southeast Fairbanks Census Area

Center Coordinates of Review Area: Latitude 64.0726° Longitude -142.0349°

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: This review area does not include the Mosquito Fork of the Fortymile River, its nearby shoreline, or riparian area.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Site photos from July and August 2019 showing surface and shallow subsurface soils](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: [None.](#)

Photographs: [Aerial: https://evwhs.digitalglobe.com/myDigitalGlobe/logout-from-ended-session\(07/14/2019\\_09/20/2020\)](#)

Corps site visit(s) conducted on: [N/A](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [No modern soil survey available. Exploratory Survey of Alaska \(NRCS, 1979\)](#)

USFWS NWI maps: [No mapping effort available for this area](#)

USGS topographic maps: [Eagle A-3 \(USGS 1956, 1:63,360\)](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS/WBD/NHD data/maps</a>	<a href="#">NHD (accsd online database 12/19/2020)</a>
<a href="#">USDA Sources</a>	<a href="#">No modern soil survey available. Exploratory Survey of Alaska (NRCS, 1979)</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">CorpsMap ORM Map Layers</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">Alaska Wildland Fire Information Maps, https://fire.ak.blm.gov/predsvcs/maps.php (accsd 10/12/2018); DGGS, State of Alaska https://elevation.alaska.gov/#64.12495:-142.25231:10 (accsd 07/23/2020)</a>

**B. Typical year assessment(s):** [N/A. Data does not exist for this remote area.](#)

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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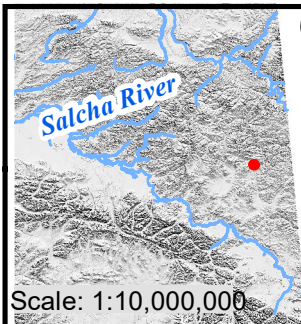
**C. Additional comments to support AJD:** Vegetation on site is mesic, with mostly facultative species. From site photos, we see *Alnus* spp. scrub (FAC), and *Picea glauca* (FACU) over 15ft in height. There is no evidence of sedges or emergent depressions. Some *Salix* are present but those that are identifiable are *S. alaxensis* (FAC), *Alnus* spp. are the dominant shrub. Tall grasses are not identifiable. Overall, the site appears mesic. Applicant reported that a burn over 10 years ago converted this area from woodland forest, evidenced by tall 'pecker poles' (dead standing spruce) in the background. From aerial imagery, the claim is mostly on a terrace which has a high bank to the river on the south and west, and south facing hills bounding the north. The terrace is a mosaic of dead standing trees, some mature deciduous trees (likely *Betula neoalaskana*, FACU), and mostly scrub and tall, mat-forming grasses (likely *Calamagrostis* spp). According to the evidence, this site may have hydrophytic vegetation based on facultative species, though the site does not support obligate wetland species and does support large macrophytes not found in fully saturated or innunated conditions.

Soils onsite are non-histosols with no features indicating inundation or saturation for any significant period during the growing season. Pictures from overburden clearing last year (2019) provided a view of the shallow surface strata of soils. It showed that mineral loams are present less than 8 inches from the surface (about 2-4 inches from the surface). These are light brown in color and appear dry to very dry with no gravels, cobbles or boulders, only aeolian loess. They are homogenous to about 12 inches below which soils are not apparent. No organic staining of the mineral soils is apparent as would be present if surface inundation or sheet flow were site factors. There were no signs of redoxymorphic features, mineral muck or peaty mineral materials. There is no peat forming vegetation onsite. The soils appear as natural in situ pedon development: there does not appear to be any reclamation or mine disturbance in this claim area, though the applicant has described mining by his family since about 1945 in the vicinity. The closest large scale soil disturbance appears to be downstream in the adjacent claim block (AKFF58611) and upstream in the adjacent claim block (AKFF586090) abutting the stream channel. Evidence available to this office suggests a lack of hydric soils on this site.

The overall landform of the mine site is on an inside river bend terrace, drainage appears to come off the hills to the north and connect to the Mosquito Fork as sheet flow. No channels, swales or natural conveyance features are present across the claim area other than the main stem Mosquito Fork. The applicant stated that this was a high bank, about 6 ft in places, and imagery confirms that there is little or no shoreline beach area rather an abrupt transition in all but one small shore bar area. LiDAR shows this area as slightly elevated from the river bed and confirms it is lacking any channels or depressional features except for the main Creek. These factors, in addition to the presence of tall trees indicating non-permafrost soils, indicates a lack of microtopographic position or frozen soils acting as an aquitard. No surface water or saturation are apparent from several years of aerial photos and onsite growing season photos. The evidence available suggests a lack of positive wetland hydrology.




# POA-1995-00150, APMA 7220.



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 Contact: amy.c.tippery@usace.army.mil  
 Citation:  
 Imagery:ESRI Basemap  
 Scale: 1:2,000 Date:8/12/2020

0 160 320 480 Feet

**Legend**

 Project Area