



**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): 11/4/2020
 ORM Number: POA-2011-00966, Midstate Equipment Incorporated, Attn: Alicia Braham-Perkins
 Associated JDs: POA-2011-00966 dated March 6, 2012 that determined that the wetlands were jurisdictional at that time.
 Review Area Location¹: State/Territory: Alaska City: North Pole County/Parish/Borough: Fairbanks North Star Borough
 Center Coordinates of Review Area: Latitude 64.7856 degrees N Longitude -147.4890 degrees W

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: N/A or describe rationale.
- 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)²

§ 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): ³			
(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.

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

² 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.

³ 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)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Henry Dosch Property	118 acre(s)	(b)(1) Non-adjacent wetland.	The wetlands on the property do not abut a traditional navigable water. In addition, the wetlands do not have a direct surface water connection with, or are inundated by, a traditional navigable water in a typical year. And the wetlands are not separated from a traditional navigable water only by a natural feature such as a berm or dune.

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: The agent for Midstate Equipment Inc., requested on October 02, 2020, an approved jurisdictional determination from the Corps of Engineers. The agent also included in their request, a letter from the Corps of Engineers dated March 6, 2012 that referenced an approved jurisdictional determination of the property at that time.

This information is sufficient for purposes of this AJD.

Rationale: The information in the request is sufficient for the approved jurisdictional determination.

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial: Google Earth, 2016 image
- Corps site visit(s) conducted on: October 06, 2011 to collect information for an Approved Jurisdiction evaluation.
- Previous Jurisdictional Determinations (AJDs or PJDs): The Corps of Engineers determined that the subject wetlands were jurisdictional in an approved jurisdictional and a letter to the property owner dated March 6, 2012.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Greater Fairbanks Area, Alaska, USDA, NRCS 2006
- USFWS NWI maps: <https://www.fws.gov/wetlands/data/mapper.html>; accessed online; 2002, 2003 QuickBird Satellite Imagery, 0.6 m resolution; and 2007 true color Ortho-imagery, field tested in 2007 and compiled in 2009
- USGS topographic maps: USGS map in the Corps of Engineers ORM database

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.

⁴ 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.

⁵ 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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Data Source (select)	Name and/or date and other relevant information
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Administrative record for the March 6, 2012 Approved Jurisdictional Determination for the same property including the Memorandum for Record dated October 13, 2011; an approved Jurisdictional Determination with significant nexus determination dated January 30, 2012; a significant nexus finding report dated March 05, 2012 and figures (sources from ARCGIS, NWI, NRCS Soil Survey), and on-the-ground photos dated October 06, 2011.
State/Local/Tribal Sources	N/A.
Other Sources	Corps of Engineers Memorandum for Record dated November 04, 2020 with attached Figures 1-5 and Photos 1-5; and the Chena River Lakes Project Design, Interior Drainage Facilities, Memorandum No. 12, March 1978; and https://www.poa.usace.army.mil/Locations/Chena-River-Lakes-Flood-Control-Project/

B. Typical year assessment(s): The Channel B and C berms and the Tanana River Levee were constructed to contain waters in extreme high water years and therefore would not overflow or overtop their man-made berms during a typical year. Channel B and C and the Tanana River Levee do not contain water control structures such as culverts that would provide a surface water connection with the subject wetlands. Therefore, a typical year analysis would not be required for these waters. The subject wetlands are separated from the Chena Slough and Chena River by residential developments, roads, stormwater drainages and related infrastructure, and therefore would not be flooded by these waters in a typical year; nor have a direct surface water connection directly to these waters in a typical year.

C. Additional comments to support AJD: The wetlands in the review area are non-adjacent, non-jurisdictional and are excluded waters under paragraph (b)(1) because they do not abut a stream or tributary; there are no direct surface water connections between the subject wetlands and a stream or tributary in a typical year; they are not inundated by the traditional navigable waterway in a typical year; and the wetlands are not separated from a traditional navigable water by a natural feature such as a berm or dune.