



**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): 8/13/2020  
 ORM Number: POA-2013-00257, B Channel  
 Associated JDs: POA-2013-00257, B Channel  
 Review Area Location<sup>1</sup>: State/Territory: Alaska City: North Pole County/Parish/Borough: Fairbanks North Star Borough  
 Center Coordinates of Review Area: Latitude 64.774133° N., Longitude -147.447570° 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
  - 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.

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.

<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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**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
PSS1/3 Wetland	2.33	acre(s)	(b)(1) Non-adjacent wetland.	After assessing several swales, it was concluded that there is no surface connection between the wetlands and the perennial B-Channel ditch (excavated in wetlands) through the swath of non-wetlands and a dirt road running east to west along the entire parcel. This swath of uplands was created during the construction of the ditch. This assessment occurred during a wetter than typical year.

**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: [POA-2013-00257.20200806.Docs](#)  
This information is sufficient for purposes of this AJD.  
Rationale: The document consists of field notes and pictures the Agent took while onsite with USACE Corps members during the July 22, 2020 site visit. It consists of soils information, photos, and notes and the Corps concurs with the veracity of the document.
- Data sheets prepared by the Corps: [Wetland Delineation, July 22, 2020](#)
- Photographs: [Aerial: Pictometry\\_2012\\_12in\\_7\\_Fairbanks\\_East.sid](#) (FNSB 2012), [ESRI Basemap \(2017\)](#)
- Corps site visit(s) conducted on: [July 22, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [POA-2013-00257](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Greater Fairbanks Area \(2004\)](#)
- USFWS NWI maps: [Chena River Wetlands, HUC19080306 \(USFWS 2014\)](#)
- USGS topographic maps: [Fairbanks D–1, 1:63,360 \(1952, minor revisions 1981\)](#)

**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="#">Accessed online 2018</a>
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">LiDAR data/maps</a>	<a href="#">DGGS LiDAR data from FNSB</a>
<a href="#">Other information (specify)</a>	<a href="#">Alaska Department of Fish and Game Anadromous Waters Catalog (2020)</a>

<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.



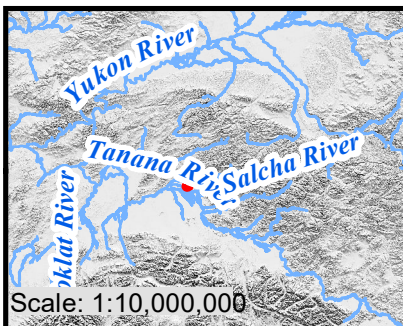
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- B. Typical year assessment(s):** There was no typical year assessment for this property as there is no antecedent Precipitation Tool for this area. However, this has been an unusually wet year, ground water and water levels in local rivers are the highest in recorded history (>100 years). Therefore the data taken onsite trends to be wetter than average and there was still no contiguous wetland connecting the parcels PSS wetlands with the B Channel Ditch.
- C. Additional comments to support AJD:** The parcel was described as an adjacent wetland under the Rapanos Decision (2007) and the Corps took jurisdiction in 2013 based on a significant nexus with the B Channel, a TNW. Upon the issuance of the Navigable waters Protection Rule in 2020, the significant nexus rule was negated and this jurisdiction changed due to the lack of surface water connectivity. A site visit was conducted in July, 2020 to ground-truth the prior wetland report and to ascertain the connectivity of the PSS1/3 wetland which covers the majority of the parcel in question. It was found by investigation of the southern 1/3rd of the property that an east-west berm borders the entire east west trail along the southern property boundary. It likely formed from overburden placement during the construction of the existing trail. It blocks all surface flow to the south with a slight microtopographical rise (not more than 24 inches at any location), even across an apparent natural swale in the southwestern portion of the property. A soil pit in the berm on the east side of the property revealed anthropogenic surface horizons from 0 to 15 inches with no hydric soil indicators (POA-2013-00257.20200806.Docs). Shovel testing on the berm in the western portion of the property showed no hydric soil indicators in the slight north-south swale that appears to breach the berm. Results from the soil pit and the shovel tests in the berm reveal that the whole berm has no hydric soil features and is therefore not a wetland. Vegetation between the berm and the B Channel ditch was mesic to dry, with a dominance of FAC and FACU species. Shovel testing between the trail and the B Channel ditch also revealed non-hydric soils. Results from soil pits located in the lowest microtopographical point south of the trail showed that even these low areas had a lack of hydric soils along the trail itself and from this it can be assumed that the trail, and much of the area between the trail and the B Channel Ditch is in upland status. Therefore, the PSS1/3 wetlands on the parcel are not directly abutting (or adjacent to, as per the NWPR) the perennial B Channel Ditch nor is there a surface water connection through the upland berm to the B Channel Ditch.

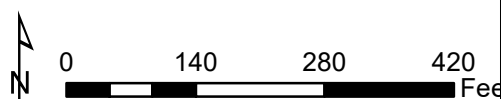




# POA-2013-00257, Great Northwest. July 22, 2020 Site Visit Locations



USACE Regulatory, Alaska District  
 Fairbanks Field Office (907) 458-1602  
 Contact: amy.c.tippary@usace.army.mil  
 Citation: Onsite Photos  
 Imagery: Pictometry\_2012\_9in\_Fairbanks.sid  
 Scale: 1:2,500 Date: 8/26/2020



Legend	
	Assessment Area
	Upland
	Upland Photo Point
	Wetland
	Wetland Photo Point
	PARCEL FNSB
	Project Area Parcels
	PEM1B
	PEM1E
	PSS1/3B
	PSS1/3E
	Upland