

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): July 19, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Alaska District, POA-2018-00242

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alaska Borough: Municipality of Anchorage City: Anchorage

Center coordinates of site: Lat. 61.1705 ° N., Long. 149.8371 °W.

Universal Transverse Mercator: 5V

Name of nearest waterbody: Campbell Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A

Name of watershed or Hydrologic Unit Code (HUC): HUC 12-190204010602

Check if map/diagram of review area and/or potential jurisdictional areas 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:

Office (Desk) Determination. Date: 20180719

Field Determination. Date: 20180622 & 20180718

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.

1. Waters of the U.S.

a. Indicate presence of Waters of U.S. in review area:

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters (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:

Non-wetland waters: N/A

Wetlands: N/A

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual and Regional Supplement

Elevation of established OHWM: N/A

2. Non-regulated waters/wetlands:

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: An approximate 1-acre area of wetlands were reviewed and determined to be isolated.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

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

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE: N/A

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: N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS:

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).

1. A wetland located east of Lake Otis Parkway, south of North Tahiti Loop, west of Samoa Street, and north of Pago Pago Avenue, approximately one (1) acre in size, was determined to be isolated.

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: The wetland within the review area is a significant distance from a hydrologic connection to a TNW. USACE conducted two (2) separate site visits and could find no surface or subsurface connections to an RPW or TNW that would meet the Significant Nexus definition. USACE's site visits and review of available information, found that water flowed from the wetland into a ditch abutting and adjacent to the subject wetland on the eastern perimeter of the review area. It was determined that water from the review area flowed out onto Samoa Street, which has no connections to mapped storm water collection points in relatively close proximity (nearest mapped storm sewer was 1,000 feet south-west of Samoa Street). If water from the reviewed wetland made it into a storm-water collection point, which, for this area all storm-water collection points release into North Fork Little Campbell Creek; a relatively permanent water (RPW) that connects directly to a traditionally navigable water (TNW); Cook Inlet, the biological, chemical, and physical contributions would not constitute a significant nexus. Water from the wetland would dilute and intermix with other storm runoff water and travel approximately 3,000 linear feet via subsurface connections before being discharged into North Fork Little Campbell Creek. USACE also determined, based on the topography of the review area, that water would only release from the wetland during major inundation events. The wetland, which is found within a concave landscape, seems to receive water from the surrounding uplands via runoff. Snow melt also seems to play a large role in contributing to water levels found within the wetland. On two separate site visits USACE discovered that there was a significant difference in water levels present within the wetland. The first visit to the site on June 22, 2018 the wetland had 2-6 inches of standing water. Previous to the visit, there had been several days of normal seasonal rain. However, no signs of water draining out of the wetland were found. On the second site visit on July 17, 2018, USACE found only 1-2 inches of surface water present at the site following a string of higher than average temperature days. USACE concluded that water is retained within the wetland due to it being within a depression. Water is consumed by the densely vegetated obligate species found within the wetland. Water flows out of the wetland only after heavy inundation when the water level exceeds the "banks" of the wetlands. It is at this point that water flows out into Samoa Street and may, based on the amount of water releasing from the wetland, find its way into a storm-water collection point.

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:

Non-wetland waters (i.e., rivers, streams): N/A

Lakes/ponds: N/A

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

Wetlands: 1-acre

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:

Non-wetland waters (i.e., rivers, streams): N/A

Lakes/ponds: N/A

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

Wetlands: 1-acre.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD-

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Preliminary Geotechnical Findings for Tract B-2, Simonian Subdivision in Anchorage, Alaska. Dated 20180608. Environmental Site Assessment/Environmental Transaction Screening Report; dated 20180607.

Data sheets prepared/submitted by or on behalf of the applicant/consultant: N/A

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps: Wetland Determination Form, completed on 20180718

Corps navigable waters' study: N/A

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data.

USGS 8 and 12 digit HUC maps. HUC 12-190204010602

Alaska District's Approved List of Navigable Waters N/A

U.S. Geological Survey map(s). Cite scale & quad name: N/A

USDA Natural Resources Conservation Service Soil Survey. Cryorthents and Urban Land 406, accessed 20180719

National wetlands inventory map. Cite name: PEM1C,

State/Local wetland inventory map: No wetlands mapped on MOA Wetland Mapper or within the Cook Inlet wetland survey database

FEMA/FIRM maps: N/A

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

Photographs: Aerial (Name & Date): Google Earth, accessed 20180622 and SimSuite, accessed 20180702
or Other (Name & Date): Site photos taken on 20180622 and 20180718

Previous determination(s). File no. and date of response letter: PJD issued 20180625

Applicable/supporting case law: N/A

Applicable/supporting scientific literature: N/A