



**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): 8/3/2020

ORM Number: POA-2020-00309 Odom Incorporated.

Associated JDs: None

Review Area Location¹: State/Territory: Alaska City: Fairbanks County/Parish/Borough: North Star Borough

Center Coordinates of Review Area: Latitude 64.845916 Longitude -147.777327

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.	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.	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.	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.	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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Odom Inc. Property	0.51	acre(s)	(b)(1) Non-adjacent wetland.	The wetlands on the property do not abut or have a direct surface water connection with a traditional navigable water (the Chena River); in addition, the wetlands are not inundated by the Chena in a typical year; and the wetlands are not separated from the Chena River by a natural feature such as a berm.

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: Request for Corps Preliminary Jurisdictional Determination dated June 12, 2020; Wetland delineation Report, June 2020.

This information is and is not sufficient for purposes of this AJD.

Rationale: The information provided by the applicant was in support of a wetland delineation for their request for a preliminary jurisdictional determination.

☒ Data sheets prepared by the Corps: Wetland Determination Data Form-Alaska Region dated July 2, 2020.

☒ Photographs: Aerial and Other: On-the-ground and aerial photographs supplied by the consultant in their wetland delineation report dated June 2020; and during site visit on July 8, 2020.

☒ Corps site visit(s) conducted on: July 2 and 8, 2020

☐ Previous Jurisdictional Determinations (AJDs or PJDs): None

☐ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.

☒ USDA NRCS Soil Survey: Soil Map-Greater Fairbanks Area, Alaska supplied by consultant in their June 2020 wetland delineation report.

☒ USFWS NWI maps: Consultant supplied NWI in map dated May 20, 2020, within their wetland delineation report dated June 2020.

☐ USGS topographic maps: Title(s) and/or date(s).

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
LiDAR data/maps	Division of Geological and Geophysical Surveys (Hillshade_2020_LiDAR_DEC.img, scale 1:2,000)

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
Other information (specify)	Two-foot contours from the Fairbanks North Star Borough (2016). The applicant supplied temperature and precipitation data 2019-2020 from the Alaska Climate Research Center.

- B. Typical year assessment(s):** Rainfall in the Fairbanks area during the growing season during the month including the month of June 2020 has been above average and therefore, wetter than a typical year. This is supported by the applicant supported temperature and precipitation data 2019-2020 from the Alaska Climate Research Center
- C. Additional comments to support AJD:** The wetlands in the review area are non-adjacent, non-jurisdictional and are excluded water 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; they are not inundated by the Chena in a typical year, and the wetlands are not separated from the Chena River by a natural feature such as a berm. To give context, the Chena River is located approximately 815 feet to the south of the subject wetlands. The subject wetlands are bordered on the west by Peger Road, and on the east by Chena Landings Loop Road within a highly developed area. The wetlands area is separated from the Chena River by an area of uplands to south, which would not be consider a natural feature such as a berm. Storm water culverts are common on the property with none draining waters directly from the subject wetlands to the Chena River (Fairbanks North Star Borough Storm Water System Map).
- The Chena River doesn't flood the subject wetlands in a typical year. Despite being a wetter year than normal this spring and summer (Alaska Climate Research Center; provided by agent in Wetland Delineation Report, June 2020), the Chena River did not flood the subject wetlands. No field indicators of inundation within the wetlands were observed (John Sargent observation July 2 and 8, 2020). Additionally, the wetlands are not located within the Chena River floodplain that would subject it to annual or regular flooding (based on LiDAR and aerial photography (LiDAR and 2-foot Contour Map; and Fairbanks North Star Borough Storm Water System Map).