



**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): 1/5/2021

ORM Number: POA-1997-00244

Associated JDs: N/A

Review Area Location¹: State/Territory: AK City: Willow County/Parish/Borough: Mat-Su

Center Coordinates of Review Area: Latitude 62.0292 Longitude -150.9557

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 JD is broken into two separate review areas: the upland area (38.1 acres), which is entirely uplands, and the perennial tributary (1.9 acre).
- 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 |
| Lake Creek | N/A. | N/A. | Lake Creek is a perennial tributary (Navigable -In-Fact) that flows into the Yentna River (perennial and navigable -in-fact) that flows into the Susitna River, an (a)(1) TNW |

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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| | | | | |
|---|-------------|-----------------|------------------------------------|--|
| 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. | |

D. Excluded Waters or Features

| | | | | |
|--|----------------|------------------------|---------------------------------------|--|
| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
| Exclusion Name | Exclusion Size | Exclusion ⁵ | 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: [Application for Permit to Mine in Alaska \(APMA\) A205740](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Site Photos provided by the applicant, contained within the APMA. Also photos obtained from ArcGIS World Mapper from the state Alaska Mapper application. Date unknown.](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

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: [Custom Soil Resource Report for Yentna Area, Alaska](#)

USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

USGS topographic maps: [Talkeetna A-2](#)

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. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | Phone conversation with applicant 1/6/2021 |

B. Typical year assessment(s): [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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C. Additional comments to support AJD: Review area consists of a 40-acre State of Alaska upland mining lease (ADL 537005) abutting Lake Creek. The jurisdictional determination is broken into two separate review areas: The first action consists of the determination that Lake Creek is an (a)(2) perennial tributary. The NRCS Soil Survey states that the open waters of Lake Creek make up 1.9 acres of the claim. No work is proposed below the ordinary high water of Lake Creek.

The second action evaluates the terrestrial portion of the parcel:

A. Vegetation: The aerial photo from ArcGIS World Imagery shows vegetation to consist largely of deciduous trees with an open canopy. Site photos and conversation with the applicant reveal that the trees consist of paper birch (*Betula papyrifera*, FACU) 6"- 18" diameter at breast height (dbh) ; and white spruce (*Picea glauca*) also 6"-18" (dbh). The applicant described forested areas as being without an understory, open enough to be able to drive his equipment without difficulty. Hydrophytic vegetation is not present.

B. Soils: The parcel consists of a steep south facing slope with riverside terrace areas. The NRCS Soil Survey states that the landscape is composed of the following soil types and features:

| | |
|--|------------|
| 216—Kroto-Strandline-Cryorthents complex, 30 to 45 percent slopes..... | 24 acres |
| 218—Nancy-Kashwitna complex, 0 to 2 percent slopes..... | 2.1 acres |
| 240—Strandline-Spenard-Kroto complex, 2 to 30 percent slopes..... | 12.7 acres |
| 246—Open Water..... | 1.9 acres |

24 acres of the parcel are indicated as Kroto-Strandline-Cryorthents complex. These soils are found in landforms including escarpments, hills, moraines, and mountain slopes. Soil composition is silt loam over gravelly silt loam or gravel. These soils are not hydric.

12.7 acres of the parcel are indicated as Strandline -Spenard-Kroto complex. These soils are found on mountainslopes and moraines. Soil composition is silt loam over till. These soils are not hydric.

2.1 acres of the parcel are indicated as Nancy-Kashwintacomplex. The soils are found on terraces and stream terraces, comprised over loess over gravel. These soils are not hydric.

C. Hydrology: All of these soils are well drained, with depth to restrictive features greater than 80 inches. Wetland hydrology is not present.

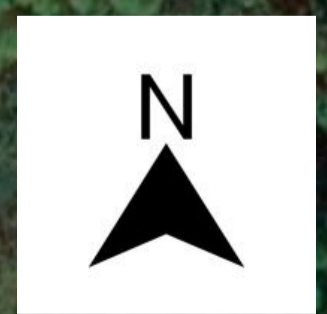
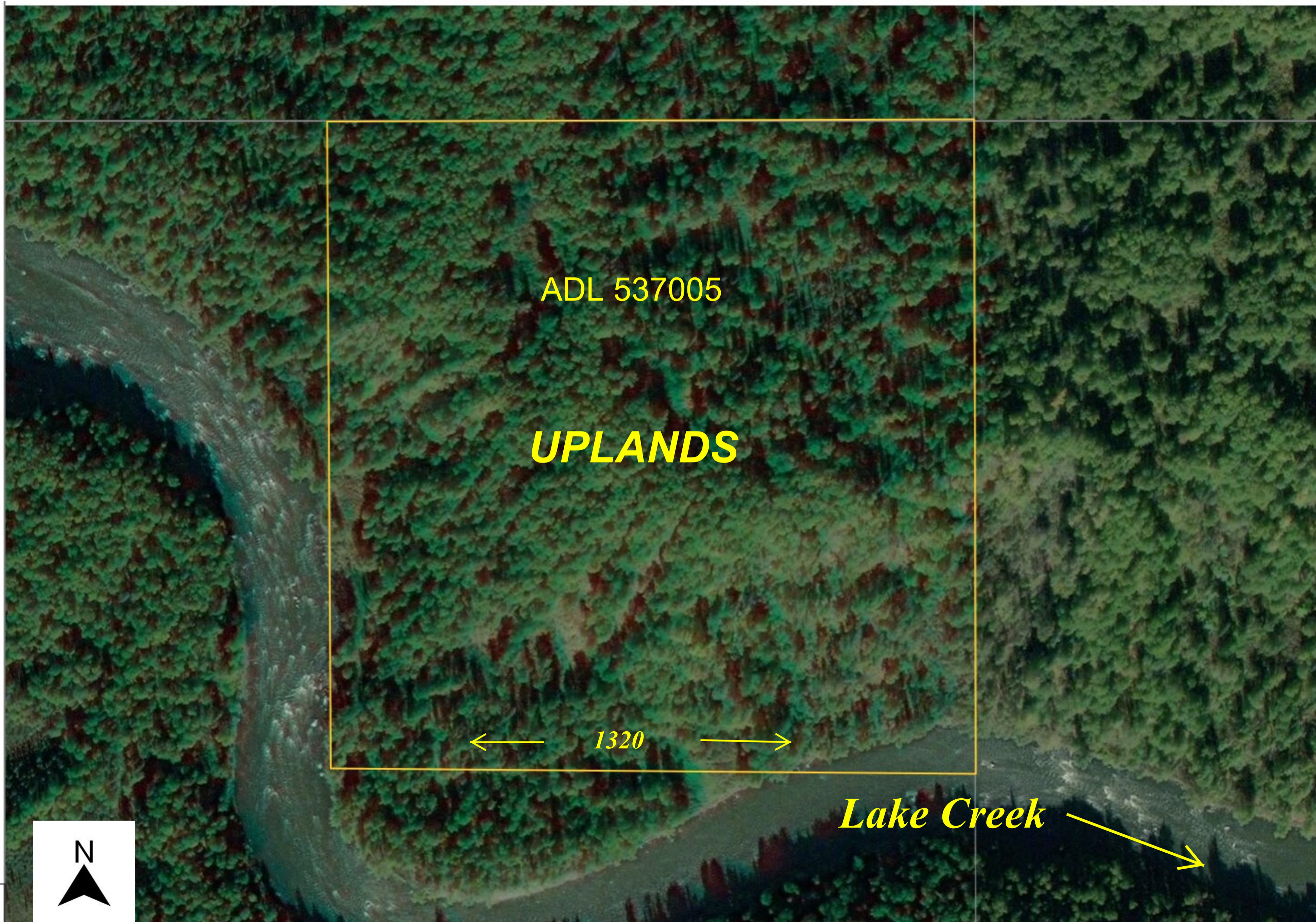
Summary: Vegetation at the site represents an upland community, soils are not hydric and wetland hydrology is not present. Wetland indicators have not been satisfied, and a DA permit will not be required.

PLSS Section Grid Tom and Sharon Hron
Jurisdictional Map

Annual Placer Mining Application

State Mining Claim
 State Mining Claims-Leasehold Locations
 State Mining Claims

PLSS Township Grid



JURISDICTIONAL MAP

GRAPHIC ILLUSTRATION ONLY
Source documents remain the official record. Please refer to the Land Administration System (LAS) casefile for more detailed information on specific cases.
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