



**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): 3/9/2021
 ORM Number: POA-2005-00088
 Associated JDs: POA-2005-00088 (dated January 11, 2005)
 Review Area Location¹: State/Territory: AK City: Fairbanks County/Parish/Borough: North Star Borough
 Center Coordinates of Review Area: Latitude 64.793 Longitude -147.423

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.

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.

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	
PSS wetland 1	14	acre(s)	(b)(1) Non-adjacent wetland.	No surface hydrology connection to TNW. See section III C for details.

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 (dated January 21, 2021)

This information is sufficient for purposes of this AJD.

Rationale: N/A

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and Other: Google Earth imagery (dated 1985-2019)
- Corps site visit(s) conducted on: Date(s).
- Previous Jurisdictional Determinations (AJDs or PJDs): POA-2005-00088 (dated January 11, 2005)
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Greater Fairbanks Area, AK (dated 2020)
- USFWS NWI maps: HUC 12, Chena Slough (accsd 2021)
- USGS topographic maps: Fairbanks D-1 (dated 2018)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrographic Dataset (accsd 2021)
USDA Sources	Custom Soil Survey (accsd 2021)
NOAA Sources	N/A.
USACE Sources	POA-1994-00577 MFR dated April 29, 2010
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: Previous preliminary jurisdictional determinations and current mapping available for the site indicate that there is an approximately 14 acre palustrine shrub scrub wetland extending across the center of the 20 acre site. The wetland on site is part of a larger complex that extends toward the Chena Slough to the east, and Clear Creek to the west. Although both Clear Creek and the Chena Slough are tributaries of a Traditionally Navigable Water (the Chena River), the negation of the Significant Nexus Rule under the Navigable Waters Protection Rule requires an analysis of the adjacency of the site wetlands. The channels closest to the site wetlands are all unnamed channels that lead to either Clear Creek or the Chena Slough; however, all of these unnamed channels are ephemeral, with aerial imagery showing little to no flow throughout the year. USDA soils surveys

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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and hillshade mapping lead to the assumption that any inundation from the wetland is due to ground water and diffuse storm flows towards the ephemeral channels, as opposed to inundation by flooding from the nearby (a)(1) waters in a typical year. In addition, historical files indicate that even if there is inundation from Clear Creek that reaches the site wetlands, the north end of Clear Creek (near the entrance of Fort Wainwright) has been filled (see memorandum dated April 29, 2010, and negative jurisdictional determination under file POA-1994-00577), and just past Badger Lake it is co-opted by a drainage ditch system that has intermittent flow. Similarly, the connection between the site wetlands and the Chena Slough is directly blocked by several artificial road barriers - while these barriers do have culverts, the lack of surface water indicates that there is not a direct hydrologic surface connection in a typical year. Based on the information available to this office, it is concluded that, due to a lack of surface water connection to a Traditionally Navigable Water, this wetland would be considered non-jurisdictional under exclusion (b)(1) "Non-adjacent wetlands" as defined by the Navigable Waters Protection Rule.