



**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): 1/15/2021  
 ORM Number: POA-2009-01047  
 Associated JDs: APMA #9428  
 Review Area Location<sup>1</sup>: State/Territory: Alaska City: Fox County/Parish/Borough: Faibanks North Star Borough  
 Center Coordinates of Review Area: Latitude 64.943993 Longitude -147.707899

**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.          | 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.            | N/A.                               |

| Tributaries ((a)(2) waters): |             |             |                                                                                                                        |                                                                                                                                                                                   |
|------------------------------|-------------|-------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a)(2) Name                  | (a)(2) Size |             | (a)(2) Criteria                                                                                                        | Rationale for (a)(2) Determination                                                                                                                                                |
| Silver Creek                 | 2760        | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Silver Creek is a direct tributary to Goldstream Creek which flows directly in to the Tolovana River, a tributary to the Tanana River, a Section 10 Waterbody. PSS1/3B, Silver Ck |
| Historic FE Mining Co.       | 3000        | linear feet | (a)(2) Intermittent tributary                                                                                          | This historic drain in the project area was created by the FE Mining Company to drain water from                                                                                  |

<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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| Tributaries ((a)(2) waters): |             |                                                                                             |                                                                                                                                                                                                  |
|------------------------------|-------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a)(2) Name                  | (a)(2) Size | (a)(2) Criteria                                                                             | Rationale for (a)(2) Determination                                                                                                                                                               |
| Drain Channel R5UBHx         |             | contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | hydraulic stripping from 1920 through 1950. Currently, this channel is considered by Alaska Dept. of Conservation as a branch of Goldstream Creek which flows directly in to the Tolovana River. |

| 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                                                                                                                                                                   |
| PSS1/3B abutting FE Drain Channel Ck | 0.5 acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | This is 0.5 acre of natural wetland surrounded by existing mine cuts abutting the FE Company drainage channel                                                                                        |
| PSS/PUBH wetlands                    | 50 acre(s)  | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | This is expanse of natural PSS mosaic wetlands is inside the project area and runs westward through Goldstream valley. It is adjacent to (abuts) Goldstream Ck and Silver Ck at the project location |

**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 |
| 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: *APMA summary packet (11-09-2020):*

This information is not sufficient for purposes of this AJD.

Rationale: *This information is not sufficient for purposes of this AJD.*

Rationale: *The data presented in a very detailed work plan report by the applicant did not have any detail on the ecological impact of the proposed actions, and it did not describe the hydrological, vegetative or soils. The information needed was sought through the following resources:*

Data sheets prepared by the Corps: N/A

Photographs: Aerial: Pictometry\_2012\_9in\_Fairbanks.sid (FNSB, 2012), spot\_mosaic.sid (FNSB, unknown date 1990?), DOQ\_2007\_center1.sid (FNSB 2007), fbanks\_1967.tif (FNSB GIS archives 1967), Fairbanks\_AHAP\_mosaic\_(1986).tif (FNSB 1986). Google Earth (accsd 01/2021).

<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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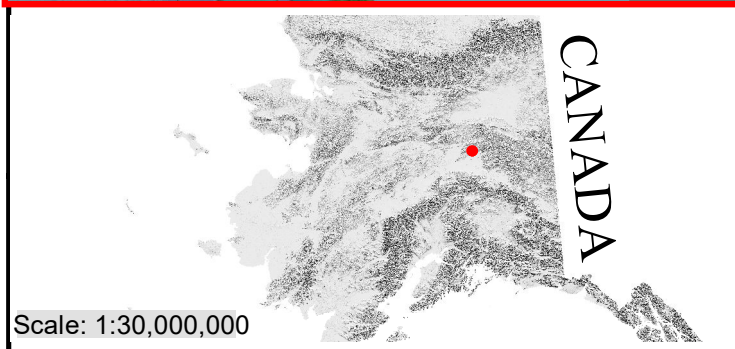
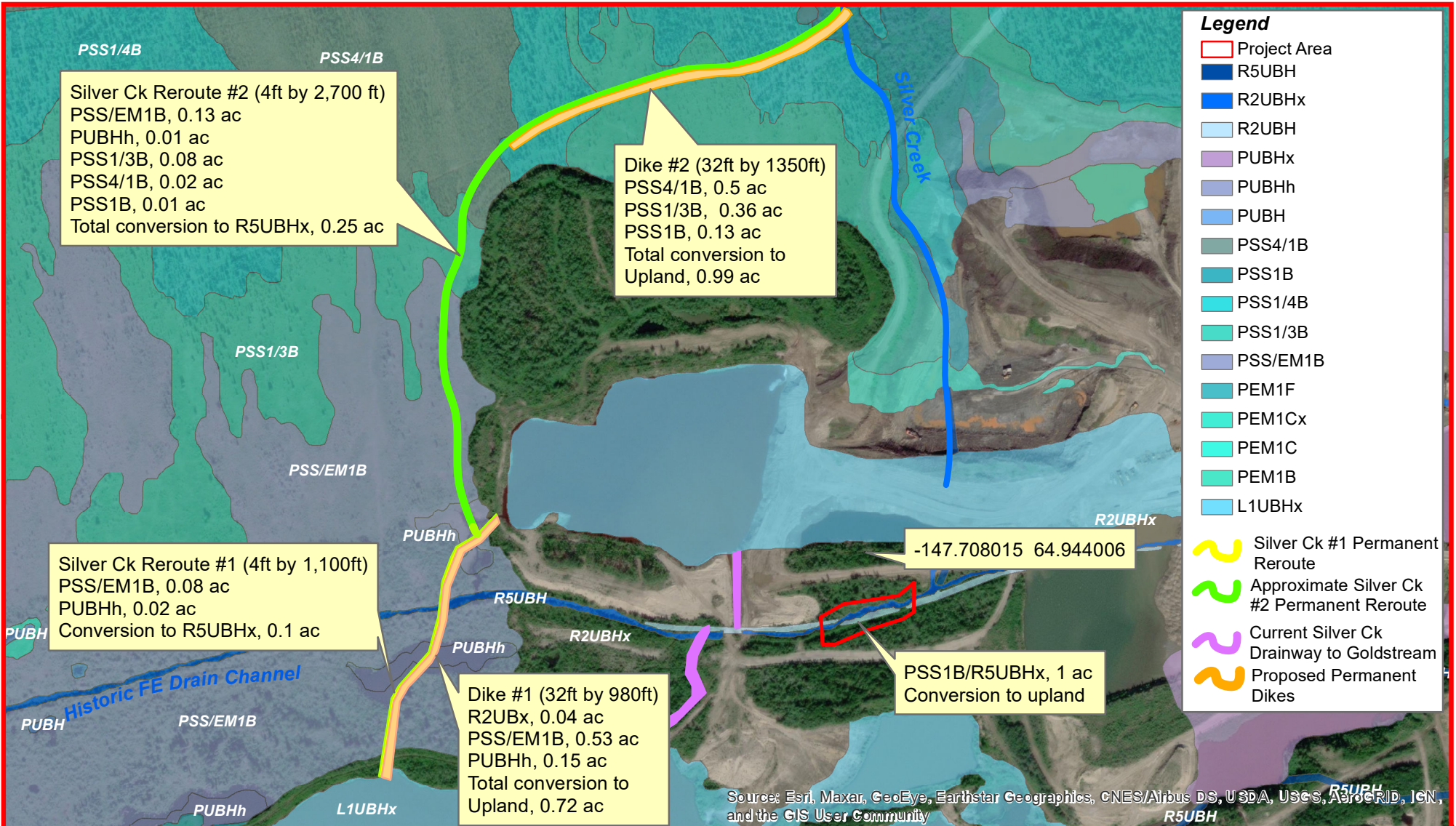
- Corps site visit(s) conducted on: N/A.
- Previous Jurisdictional Determinations (AJDs or PJDs): *POA-2009-01047, 'historic JD'*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Soil Survey of Greater Fairbanks (2009 online GIS, 2004 published document)*
- USFWS NWI maps: *Tolovana River NWI\_HUC19080309 (accsd online 2019)*
- USGS topographic maps: *Fairbanks D-2, 1:63,366*

**Other data sources used to aid in this determination:**

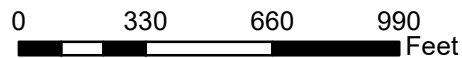
| Data Source (select)       | Name and/or date and other relevant information                                                                                                                   |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| USGS Sources               | National Hydrologic Database, flowline layer, accsd online 2019 (no updates since 2016).                                                                          |
| USDA Sources               | N/A.                                                                                                                                                              |
| NOAA Sources               | N/A.                                                                                                                                                              |
| USACE Sources              | N/A.                                                                                                                                                              |
| State/Local/Tribal Sources | N/A.                                                                                                                                                              |
| Other Sources              | Fairbanks North Star Borough GIS database, surface water layer (accessed 2019), Alaska Department of Environmental Conservation GIS online mapper (accsd 01-2021) |

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

**C. Additional comments to support AJD:** Goldstream Creek has over one-hundred years of human influence in this location from hydraulic stripping and placer mining, and wetlands and waters have been rerouted and changed many times each decade. At this project site, perennial surface water connections through settling ponds and naturalized drainage ditches provide jurisdictional pathways for Fox, Little Queenie, Calder, and Silver Creeks to conjoin and form Goldstream Creek. Some natural wetlands persist outside of the modern mining footprint, and are adjacent to Silver Creek. Presence of wetlands in this location is supported by the vegetation signature in aerial imagery which matches the hydric soils description, the presence of surface water perineally flowing in most years, and historic imagery showing consistent channel pathways and the presence of water on site.



USACE Regulatory, Alaska District  
Fairbanks Field Office (907) 458-1602  
Contact: amy.c.tippery@usace.army.mil  
Citation: NWI (USFWS accsd online 2018)  
Tolovana River NWI\_19080309  
Imagery: ESRI Basemap  
Scale: 1:6,000 Date:1/25/2021



**POA-2009-01047,**  
**APMA 9428 Fairbanks**  
**Polar Mining Inc. National Wet-**  
**land Inventory and Proposed**  
**Impacts to waters and wetlands**