



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): July 15, 2021

ORM Number: POA-2021-00308

Associated JDs: N/A

Review Area Location¹:

State/Territory: AK City: N/A County/Parish/Borough: Matanuska-Susitna Borough

Center Coordinates of Review Area: Latitude 61.542486 Longitude -149.566573

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 and 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 independent 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland-1	10.6 acres	(b)(1) Non-adjacent wetland	The wetland does not exhibit a surface water connection to any nearby aquatic resource and is categorized as a non-adjacent wetland excluded from jurisdiction.

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: *“Re: Request for Jurisdictional Determination” (6/14/21).*

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: *“POA-2021-00308.ADoT Knik-Goose Bay Road (MP 0.3-6.8) JD Request” Mapped Photo Log (6/21/21).*

Corps Site visit(s) conducted on: *June 28, 2021.*

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

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

USDA NRCS Soil Survey: *Title(s) and/or date(s).*

USFWS NWI maps: *“ADoT Knik-Goose Bay Road JD Request (POA-2021-00308)” (7/6/21).*

USGS topographic maps: *“Anchorage C-7 SW Quadrangle: Alaska -Matanuska-Susitna Borough”, 7.5-minute Series, Scale 1:25,000 (2016).*

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	<i>“Mat-Su Borough Wetlands Viewer” (6/14/21) “Matanuska-Susitna Borough” (Parcel Map) (4/21/21) Kenai Watershed Forum. <i>Cook Inlet Wetland Mapper</i>. Accessed 7/13/2021.</i>

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was used to determine if the review area site examination on June 28, 2021 was conducted during a climatological “typical year” for the review area. Data was gathered from 11 weather stations located approximately 10.3-miles (Matanuska Exp Farm), 2.4-miles (Meadow Lake), 4.4-miles (Wasilla 3 S), 7.1-miles (Camp

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Togowoods), 9.8-miles (Houston), 9.7-miles (Chugiak 0.8), 9.7-miles (Mirror Lake Scout Camp), 12.2-miles (Eagle River 3.1 NNE), 8.8-miles (Wasilla 4N), 9.3-miles (Anderson Lake), and 16-miles (Palmer Municipal Airport) from the review area. Results from the APT note that on the day of the site examination the review area was in the dry season. The APT results indicate that the site examination was conducted during normal conditions for the rolling 30-year period.

- C. Additional comments to support AJD:** The review area consists of 10.6-acres of privately owned land located north of Knik-Goose Bay Road and northeast of the intersection at Knik-Goose Bay Road and Foothills Blvd. A large wetland surrounded by forest and residential development has been demarcated within the review area. The review area is located within the 12-digit Hydrologic Unit Code (HUC) of Cottonwood Creek (HUC-12 #190204010803).

A site visit with Brittany Birkshire, Alaska Department of Transportation Project Engineer, was conducted on June 28, 2021. While onsite, the accessible portions of the western and eastern extent of the wetland was examined. Topography surrounding the review area consisted of a steep gradient hill boarding the review area to the southwest, west, and north. The eastern side of the review area appeared to be relatively flat with a very minor uphill gradient further to the west of the review area. Vegetation within the wetland appeared to be primarily composed of Blue joint grass (*Calamagrostis canadensis*-FAC). The dominance of this vegetation type indicates the wetland is not a high functioning wetland and does not contain surface water year-round. An outlet nor an inlet providing a surface water connection to a traditional navigable water (TNW) was not observed within the review area.

A U.S. Geological Service (USGS) topographic map of the review area was examined and indicates the wetland is seated within a depression in the landscape as the topographic elevation lines indicate higher elevation contours surrounding the wetland area. Furthermore, the USGS National Hydrography Dataset (NHD) mapper nor the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) mapper indicate the presence of an inlet or outlet within the review area. Lastly, the Kenai Watershed Forum's (KWF) Cook Inlet Wetland Mapper (CIWM) categorizes the wetland within the review area as a spring fen which are described as wetlands fed by groundwater that are typically surrounded by uplands. These wetlands are typically thought of as outcroppings of the local water table (Kenai Watershed Forum 2021).

Based on the site examination of the review area, the USGS topographic map, and the reviewed aquatic resource mapping databases (i.e. USGS NHD, USFWS NWI, & KWF CIWM), the Corp has determined the wetland identified within the review area is a non-adjacent wetland categorized as a (b)(1) water in 33 CFR 328.3 (b)(1). In accordance with 33 CFR 328.3 and the June 22, 2020 implementation of the Navigable Water Protection Rule, the identified wetland does not meet the

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definition of “Waters of the United States” and, therefore, is not subject to regulation under Section 404 of the Clean Water Act.

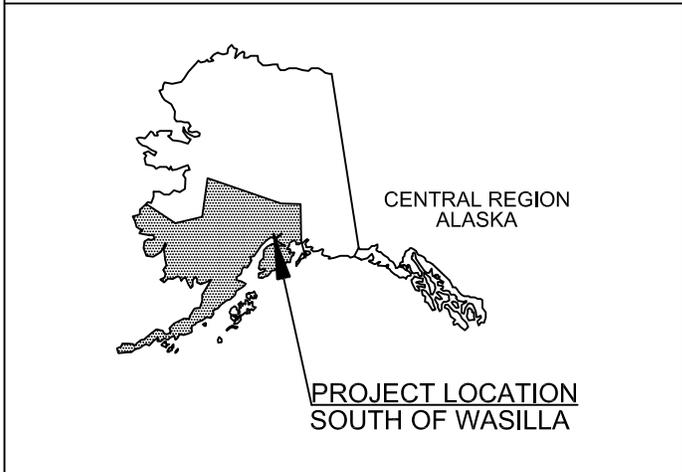
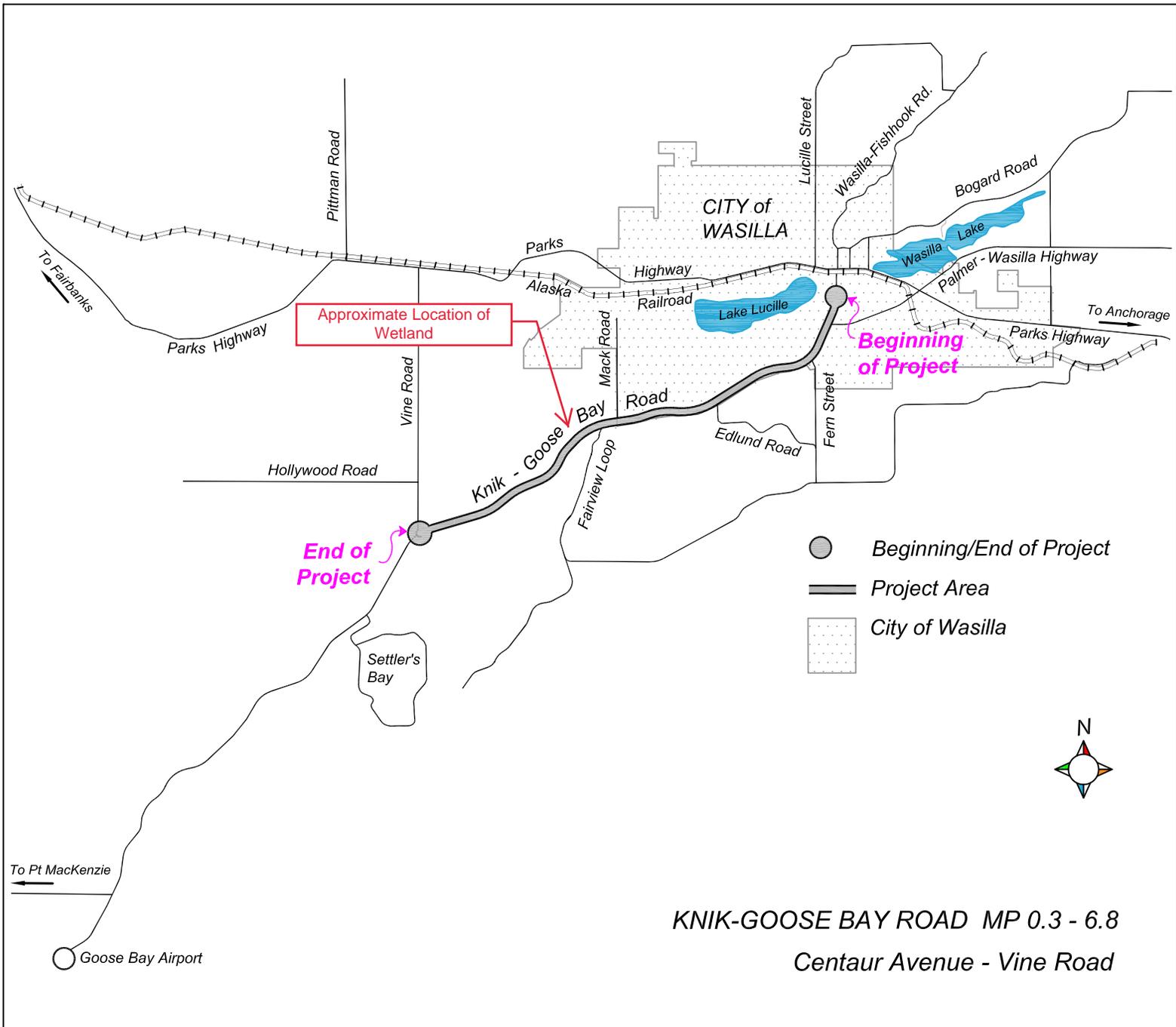
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KNIK-GOOSE BAY ROAD
Project # 52464

FIGURE 1

PROJECT LOCATION



Mat-Su Borough Wetlands Viewer



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community



Road Names
Mat-Su Borough Parcels

CookInlet Wetlands
Spring Fen

Date: 4/21/2021

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