



**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): 8/30/2021

ORM Number: POA-2021-00357

Associated JDs: POA-2019-00115 (dated March 5, 2021 & May 3, 2019) & POA-2005-00384 (dated October 19, 2020)

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

Center Coordinates of Review Area: Latitude 64.821°N Longitude -147.753 °W

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.

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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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
Fire Training Center	15.8 acre(s)	(b)(1) Non-adjacent wetland.	It has been concluded that there is no surface connection between these wetlands and the nearby jurisdictional a(2) water (A Channel).

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 submitted July 9, 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: Title\(s\) and/or date\(s\)](#).
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [POA-2019-00115 \(dated March 5, 2021 & May 3, 2019\) & POA-2005-00384 \(dated October 19, 2020\)](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Greater Fairbanks Area \(dated June 1, 2020\)](#)
- USFWS NWI maps: [USFWS \(accsd August 25, 2021\)](#)
- USGS topographic maps: [Fairbanks](#)

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	N/A.

B. Typical year assessment(s): [According to data gathered by the Antecedent Precipitation Tool, this area of Fairbanks is experiencing rainfall that is approximately 1-2 inches higher than the 30 year normal range.](#)

C. Additional comments to support AJD: [The site in question is separated from the nearest a\(2\) water \(A Channel\) by several roads and culverts. The culverts only carry flows from the site during extreme flood](#)

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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events, and not in a typical year. Even as the Antecedent Precipitation Tool indicates that the area is experiencing a wetter than normal year, no flood flows are moving through the culverts and artificial barriers connected to the site, suggesting that the wetlands on the subject property do not have a surface hydrologic connection to an a(1) water, and are therefore considered exclusion (b)(1) non-adjacent wetlands, which are not a water of the U.S..




Additionally, historical AJDs on sites bordering A Channel, through which surface waters would flow to establish a connection or abutment to the nearest a(1) water (Tanana River) have determined that no direct surface connection exists between said channel and any a(1) water. As discussed in an approved jurisdictional determination for one such site under USACE file POA-2019-00115, dated May 5, 2021, “The National Hydrographic Dataset indicates that a connecting channel flows south from the South Slough impoundment towards A Channel, which connects to the Tanana River; however, aerial imagery dating from 1985 through 2020 shows that there is not regular surface flow in a typical year....Previous neighboring determinations by the Corps and soil surveys by USDA have indicated that the area is comprised of a large wetland complex, and shallow ground water exists near the site, which may indicate that the site shares a hydrologic connection to the nearby Tanana River, but there is no aerial imagery or LiDAR hillshade that shows any presence of surface water flows or connection between the site and the Tanana River.”

In conclusion, this site has been determined to contain wetlands. However, under the current Navigable Waters Protection Rule, the wetland in question is not considered to be a jurisdictional Waters of the United States.

POA-2021-00357 Delineation Map



Legend:

-  Site Boundary (20 acres)
-  PSS wetland 1 (14.6 acres)
-  PEM wetland 1 (1.2 acres)

USACE Regulatory Division
Alaska District, Fairbanks Field Office
Author: Ashley Kraetsch
Image Source: Google Earth (2020)
Date Created: 08/09/2021
Date Modified:
Sheet 1 of 1

