

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): March 10, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Alaska District, POA-2022-00111, City of Nome, Tank Farm Construction, Snake River, Nome, AK

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alaska Borough: Nome Census Area City: Nome
Center coordinates of site (lat/long in degree decimal format): Lat. 64.503536 ° N., Long. 165.431133 ° W.
Universal Transverse Mercator: 3W
Name of nearest waterbody: Snake River
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Norton Sound (no direct connection)
Name of watershed or Hydrologic Unit Code (HUC): 19050104

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: March 10, 2022

Field Determination. Date(s): N/A

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. *[Required]*

- Waters subject to the ebb and flow of the tide.
- Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: N/A

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. *[Required]*

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least “seasonally” (e.g., typically 3 months).

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Not Applicable

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: The wetland in question is a depression isolated feature, 0.46-acre in size located at Lat. 64.503536 ° N., Long. 165.431133 ° W. The nearest potentially jurisdictional feature is 534 feet to the East of the wetland. The uplands surrounding the wetland are approximately 10-12 feet higher in elevation. During the desktop review and evaluation of best available information there is no evidence of surface-water flow to or from the feature. A shallow subsurface connection cannot be documented due to the distance from the isolated wetland to the nearest jurisdictional water.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: N/A

Summarize rationale supporting determination: N/A

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: N/A

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary

³ Supporting documentation is presented in Section III F.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

N/A

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

N/A

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):⁵

N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: The depressional wetland parcel is isolated by terrain features and development on all sides.

Other: (explain, if not covered above): The wetland in question is a depressional isolated feature, 0.46-acre in size located at Lat. 64.503536 ° N., Long. 165.431133 ° W.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

N/A

⁵ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Jurisdiction Following Rapanos*.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): 0 linear feet 0 width (ft).
- Lakes/ponds: 0 acres.
- Other non-wetland waters: 0 acres. List type of aquatic resource: N/A
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: NWI, Aerial Imagery and surface contour maps.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: N/A
- Corps navigable waters' study: N/A
- U.S. Geological Survey Hydrologic Atlas: National Regulatory Viewer
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- Alaska District's Approved List of Navigable Waters
- U.S. Geological Survey map(s). Cite scale & quad name: N/A
- USDA Natural Resources Conservation Service Soil Survey. Citation: No available information to review for the area in question.
- National wetlands inventory map(s). Cite name: National Regulatory Viewer
- State/Local wetland inventory map(s): N/A
- FEMA/FIRM maps: N/A
- 100-year Floodplain Elevation is: N/A (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth Pro, 2021
or Other (Name & Date): elevation.alaska.gov, Division of Geological and Geophysical Surveys
- Previous determination(s). File no. and date of response letter: N/A
- Applicable/supporting case law: N/A
- Applicable/supporting scientific literature: N/A
- Other information (please specify): N/A

B. ADDITIONAL COMMENTS TO SUPPORT JD: See Text Above



P. Allen Atkins
Regulatory Specialist
North Section

March 18, 2022
Date



Travis/Peterson Environmental Consulting
 3305 Arctic Boulevard, Suite 102
 Anchorage, AK 99503
 907-522-4337

Nome, Alaska

VICINITY MAP
(Source: ESRI)
 Accessed: 2/03/22

Project No: 1150-12

File: Projects/1150-CRW/12- WNTF Depression Filling

2/03/2022

Scale: 1in. = approx. 600ft.



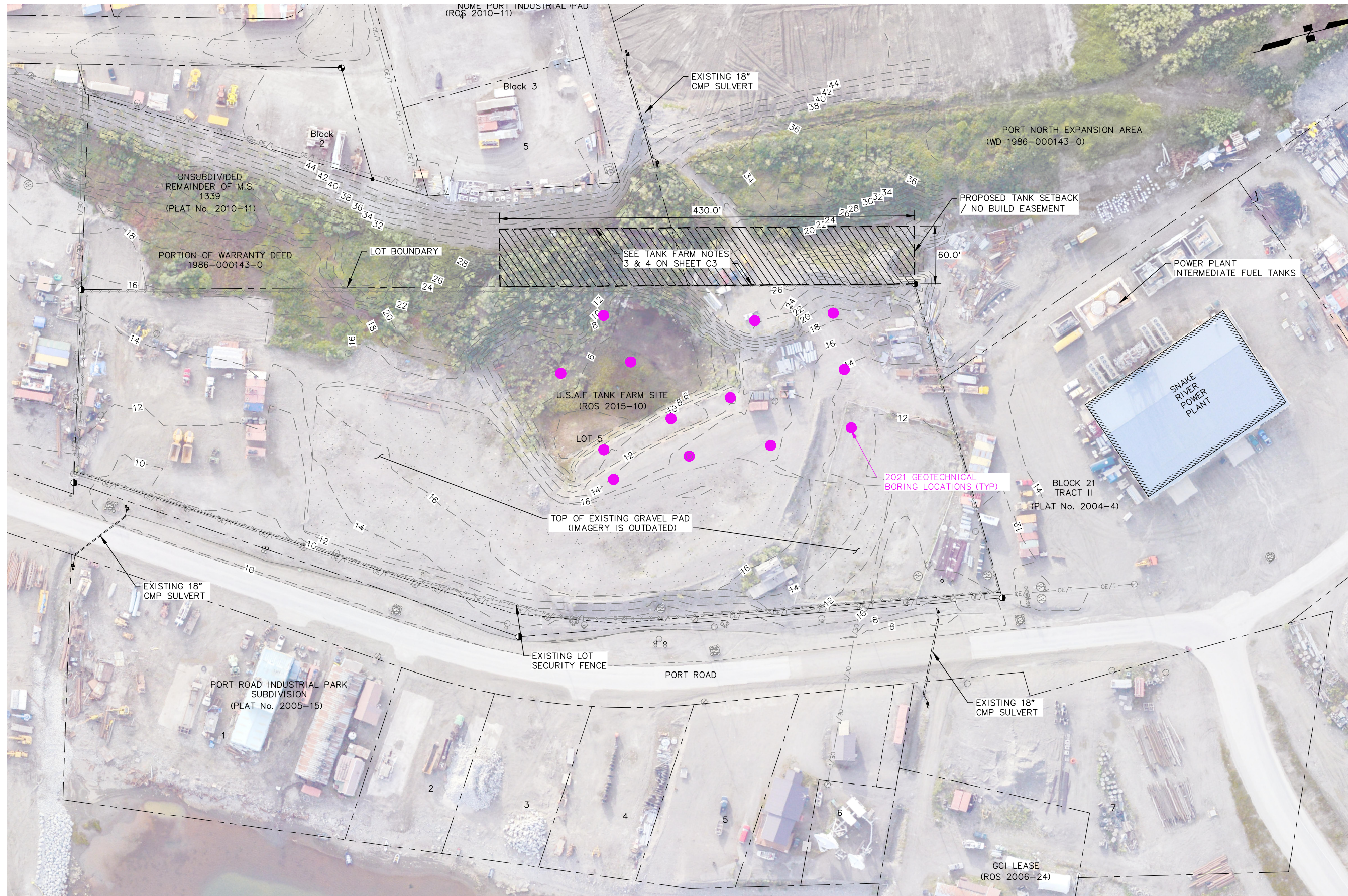
March 3, 2022

Wetlands

- | | | |
|--------------------------------|-----------------------------------|-------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other |
| Freshwater Pond | Riverine | |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

File: J:\JobsData\32801.02 NUJUS Tank Farm\00_CADD_2019\01_Working Set\01_Civil\32801.02_Existing Grading Plan.dwg PLOT DATE: 11/22/2021 12:39 PM



1 **EXISTING GRADING PLAN**

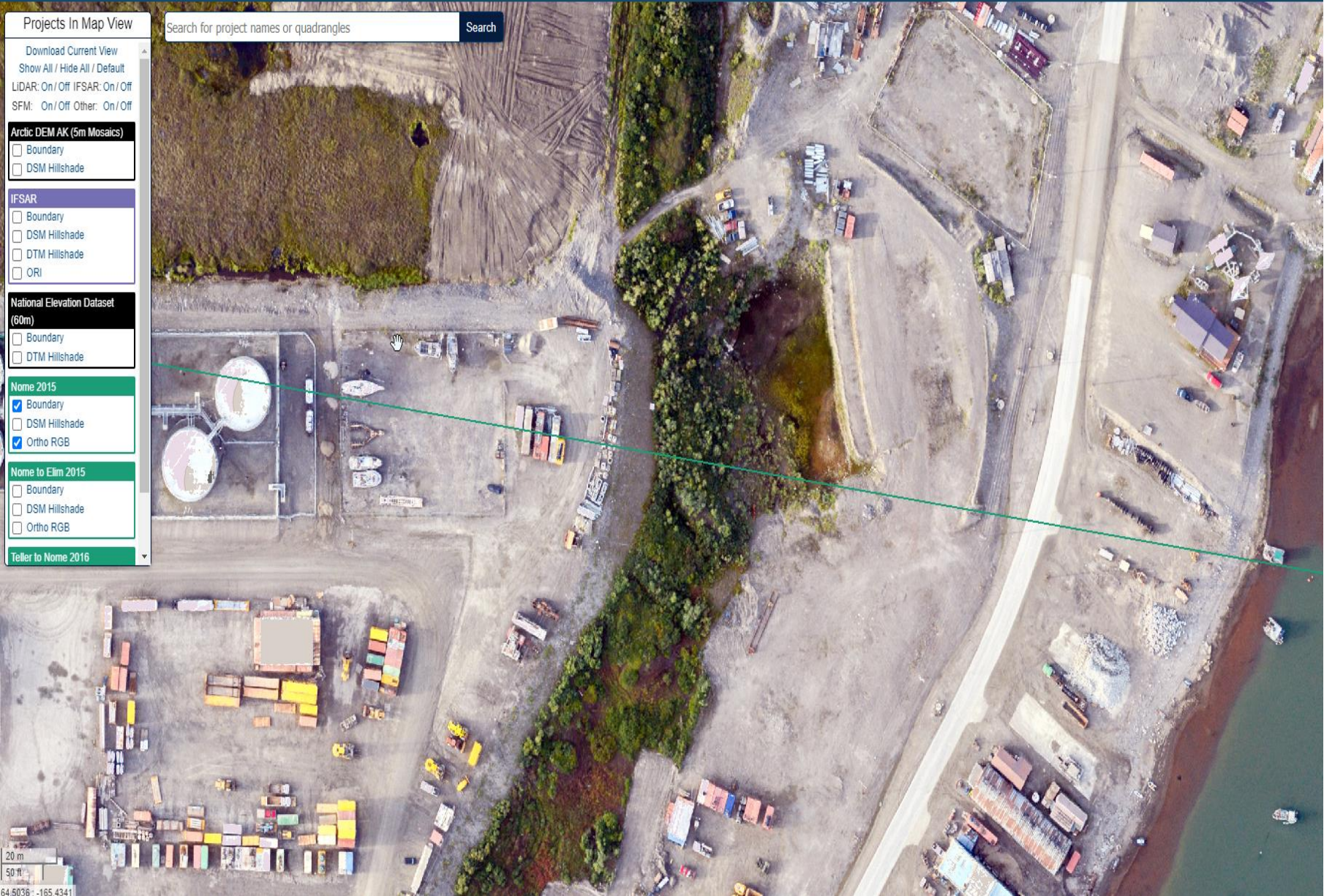


PROJECT NO.	32801.02
CITY GRID	-
WATER GRID	-
SEWER GRID	-

PROJECT NO. -	
NUJUS TANK FARM	
EXISTING GRADING PLAN	
NOME, ALASKA	
STATUS:	DRAFT
DATE:	JAN. 2021

REV	DATE	DESCRIPTION	BY

SCALE	-
HOR. VER.	-
DESIGNED BY	-
DRAWN BY	-
CHECKED BY	-
APPROVED BY	-



Projects In Map View

Search for project names or quadrangles

Download Current View
Show All / Hide All / Default
LIDAR: On / Off IFSAR: On / Off
SFM: On / Off Other: On / Off

Arctic DEM AK (5m Mosaics)
 Boundary
 DSM Hillshade

IFSAR
 Boundary
 DSM Hillshade
 DTM Hillshade
 ORI

National Elevation Dataset (60m)
 Boundary
 DTM Hillshade

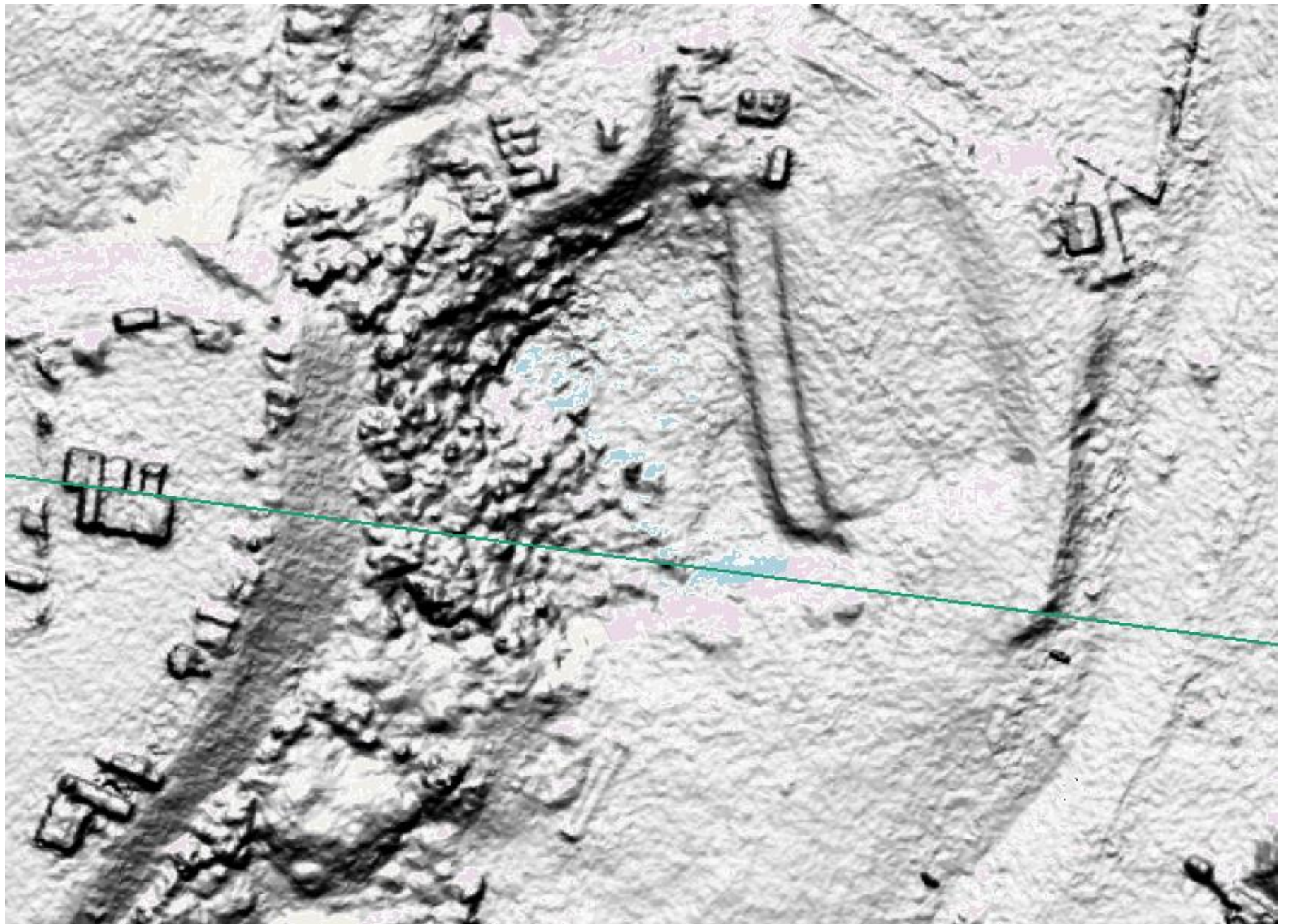
Nome 2015
 Boundary
 DSM Hillshade
 Ortho RGB

Nome to Elm 2015
 Boundary
 DSM Hillshade
 Ortho RGB

Teller to Nome 2016

20 m
50 ft
64.8036 - 165.4341





Information




No Data Available in Web Soil Survey for your Area of Interest

Data Availability is indicated for each soil survey area in your AOI, in the *Soil Data Available from Web Soil Survey* section of the **AOI Properties** pane in the **Area of Interest** panel.

Seward Peninsula and Nulato Hills Area, Alaska (AK733)

Data Availability Survey Area Boundary only

Spatial Data Version 1, Oct 22, 2019

For more information about the soil data available in Web Soil Survey, view help (click the  button) in the *Soil Data Available from Web Soil Survey* section.

For more information about the data available for the soil survey areas in your AOI, contact the local or state office of the NRCS listed in the **Contact Us** link.

Close

Nome



PIN



Approximate location based on user input and does not represent an authoritative property location

SPECIAL FLOOD HAZARD AREAS



Without Base Flood Elevation (BFE)
Zone A, V, A99
With BFE or Depth
Regulatory Floodway Zone AE, AO, AH, VE, AR