JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers

DISTRICT: Alaska
FILE NUMBER: POA-2007-668-9

PROJECT LOCATION INFORMATION:
State: Alaska
Borough: Matanuska Susitna
Location: Within section 3, T. 24N ., R. 4 W., Seward Meridian; Latitude 62.1995° N., Longitude -149.9746° W.
Approximate size of area (parcel) reviewed, including uplands: **268** acres.
Name of nearest waterway: Montana Creek

JURISDICTIONAL DETERMINATION
Method: Office determination ☒
Onsite determination ☐
Date Form Completed: 04/11/2007

Jurisdictional Determination (JD):

☐ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☒ Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). **Team Leader Concurrence** GLP
Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: **50 acres**.

☐ *There are "isolated, non-navigable, intra-state* waters or wetlands" within the reviewed area.
☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
☐ (2) The presence of interstate waters including interstate wetlands[1].
☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
☐ (4) Impoundments of waters otherwise defined as waters of the US.
☐ (5) The presence of a tributary to a water identified in (1) – (4) above.
☐ (6) The presence of territorial seas.
☒ (7) The presence of wetlands adjacent[2] to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Approximately 50 acres in the north section of the proposed subdivision property are in wetland habitat; this wetland is drained by a tributary which flows into Montana Creek. Montana Creek joins the Susitna River, which flows south into Cook Inlet, a navigable waterbody subject to tidal action. COE has jurisdiction over this proposed action under Section 404 of the Clean Water Act.

DISTRICT: Alaska
FILE NUMBER: POA-2007-668-9

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

☐ Ordinary High Water Mark indicated by:
- ☐ clear, natural line impressed on the bank
- ☐ the presence of litter and debris
- ☐ changes in the character of soil
- ☐ destruction of terrestrial vegetation
- ☐ shelving
- ☐ other:

☐ High Tide Line indicated by:
- ☐ oil or scum line along shore objects
- ☐ fine shell or debris deposits (foreshore)
- ☐ physical markings/characteristics
- ☐ tidal gages
- ☐ other:

☐ Mean High Water Mark indicated by:
☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ To the limit of the wetland boundaries

Basis For Not Asserting Jurisdiction:

☐ The reviewed area consists entirely of uplands.
☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
☐ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
- ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
- ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
- ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
- ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
- ☐ Other (explain):

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
☐ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated , prepared by (company):
- ☐ This office does not concur with the delineation report, dated , prepared by (company):

☐ Data sheets prepared by the Corps
☐ Wetland boundary map prepared by the Corps
☐ Alaska District's Approved List of Navigable Waters
☐ U.S. Geological Survey Hydrologic Atlas:
☐ U.S. Geological Survey 7.5 Minute Topographic maps:
☒ U.S. Geological Survey 15 Minute Topographic maps: Talkeetna Mountains A-6
☐ USDA Natural Resources Conservation Service Soil Survey:
☐ National wetlands inventory maps:
☐ State/Local wetland inventory maps:
☐ FEMA/FIRM maps (Map Name & Date):
☐ 100-year Floodplain Elevation is: (NGVD)
☒ Aerial Photographs (Name & Date): Digital Globe 2007
☐ Other photographs (Date):
☐ Advanced Identification Wetland maps:
☐ Site visit [Date(s)]:
☐ Previous determination(s) [File number and date of response letter]:
☐ Applicable/supporting case law:
☒ Other information (please specify): The north section of the proposed subdivision is underlain by the Salamatof Soil Series (Sa), defined as nearly level, very poorly drained peat soil in muskegs; the water table generally is at a depth of less than 12 inches in this soil. There are also several small, isolated and poorly drained areas in the south end of the proposed subdivision identified as the Coal Soil Series (Co). These are nearly level, poorly drained soils that formed in deep silty material in shallow depressions on terraces and uplands. The remainder of the soils in this parcel are uplands, identified as Rabideax Silt Loam Series ((RbC) and the Lucile Series (Lu), consisting of nearly level, moderately well drained soils in scattered depressions on terraces and moraines (Soil Survey, Susitna Valley Area, Alaska; USDA 1973; Map Sheet # 11).

V Gloschenko