

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): February 1, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Alaska District, Port Graham, Runck, POA-1979-318

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alaska Borough: Kenai Peninsula City: Port Graham
Center coordinates of site (lat/long in degree decimal format): Lat. 59.34778 ° N., Long. 151.8333 °W.
Universal Transverse Mercator: 5
Name of nearest waterbody: Port Graham
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Cook Inlet
Name of watershed or Hydrologic Unit Code (HUC): 190203011208

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: 1/27/17

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There CHOOSE: are “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

- Waters subject to the ebb and flow of the tide.
- Port Graham is a navigable water of the U.S., subject to the ebb and flow of the tide, is presently used, and has been used in the past to transport interstate and foreign commerce. Port Graham flows into Kachemak Bay, and Cook Inlet, territorial seas.

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: 1500 linear feet long.

Wetlands: 0 acres.

c. Limits (boundaries) of jurisdiction based on: Established by approximate high tide line. Due to limited information at site, high tide line is based off of NOAA information from the nearest available tidal gauge, 13 miles away, in Seldovia, AK. High tide line at Seldovia is 23.1'

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: TEXT

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: Port Graham

Summarize rationale supporting determination: : Port Graham is a navigable water of the U.S., subject to the ebb and flow of the tide, is presently used, and has been used in the past to transport interstate and foreign commerce. Port Graham flows into Kachemak Bay, and Cook Inlet, territorial seas.

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):

Not applicable

C. SIGNIFICANT NEXUS DETERMINATION Not applicable

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

TNWs: 1500 linear feet (ft).

Wetlands adjacent to TNWs: # acres.

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 : Not applicable

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS Not applicable:

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: "Port Graham JD Request Map" 1/11/17

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

³ Supporting documentation is presented in Section III F.

- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: TEXT
- Corps navigable waters' study: TEXT
- U.S. Geological Survey Hydrologic Atlas: TEXT
 - 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: TEXT
- USDA Natural Resources Conservation Service Soil Survey. Citation: TEXT
- National wetlands inventory map(s). Cite name: Seldovia B-5
- State/Local wetland inventory map(s): TEXT
- FEMA/FIRM maps: TEXT
- 100-year Floodplain Elevation is: TEXT (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial : Google Earth, 7/8/2004
or Other : Shore Zone 2010
- Previous determination(s). File no. and date of response letter: TEXT
- Applicable/supporting case law: TEXT
- Applicable/supporting scientific literature: TEXT
- Other information (please specify): TEXT

B. ADDITIONAL COMMENTS TO SUPPORT JD: