



**DEPARTMENT OF THE ARMY**  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
44669 STERLING HIGHWAY, SUITE B  
SOLDOTNA, ALASKA 99669-7915

September 27, 2016

Regulatory Division  
POA-2016-439

Mr. Michael Gravier  
12945 Elmore Rd  
Anchorage, AK 99516

Dear Mr. & Mrs. Gravier:

This letter is in response to your August 29, 2016 request for a Department of the Army (DA) jurisdictional determination for a parcel of land identified as Kenai Peninsula Borough tax parcel identification number 135-243-06. The property is located within Section 35, T. 5 N., R. 10W, Seward Meridian, USGS Map AK-Kenai B-3; at Latitude 60.4808° N., Longitude 150.9982° W.; near Soldotna, Alaska. Your project has been assigned number POA-2016-439, Kenai River, which should be referred to in all correspondence with us.

Based on our review of the information you provided and available to our office, and on our site visit on September 21, 2016, we have preliminarily determined the subject property contains waters of the U.S., and/or wetlands, under the Corps' regulatory jurisdiction. Included is a map that can be used for planning purposes only but which shows the delineation. Please rely on the pink wetland flagging for the actual wetland boundary. See the attached Preliminary Jurisdictional Determination (PJD) Form. Please sign and return the form to our office. A PJD is not appealable. At any time you have the right to request and obtain an Approved Jurisdictional Determination, which can be appealed. If it is your intent to request an Approved JD, do not begin work until one is obtained.

Department of the Army authorization is required if you propose to place dredged and/or fill material into waters of the U.S., including wetlands and/or perform work in navigable waters of the U.S. You can find a copy of the DA permit application online at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>. You can refer to the sample drawing on our website at <http://www.poa.usace.army.mil/Portals/34/docs/regulatory/guidetodrawings2012.pdf>.

Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including

jurisdictional wetlands (33 U.S.C. 1344). The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the U.S. (33 U.S.C. 403). Section 10 waters are those waters subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or other waters identified by the Alaska District.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

If you have questions or to request a paper copy of the DA permit application, please contact Mr. Ben Polley via email at Benjamin.L.Polley@usace.army.mil, by mail at the address above, by phone at (907) 753-2627. For more information about the Regulatory Program, please visit our website at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,

Katherine A. McCafferty  
Program Manager

Enclosures