



**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): 8/17/2020

ORM Number: POA-2020-00221

Associated JDs: N/A

Review Area Location¹: State/Territory: Alaska City: Anchorage County/Parish/Borough: Municipality of Anchorage.

Center Coordinates of Review Area: Latitude 61.144900° Longitude -149.959502°

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: The area of vegetation clearing has been delineated as uplands by the Corps. The disturbed uplands are part of the upland buffer to a large wetland complex between Jewel Lake and Sand Lake owned by the Municipality of Anchorage.
- 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.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination

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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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.	

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
N/A.	N/A.	N/A.	N/A.	

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: [Ms. Barbara Anderson responded on May 19, 2020, to Corps' Alleged Violation letter dated May 13, 2020. The cleared area is property of the Municipality of Anchorage, Heritage Land Bank.](#)

This information is **not** sufficient for purposes of this AJD.

Rationale: [No information whether the area of disturbance contained wetlands was provided.](#)

- Data sheets prepared by the Corps: [Wetland delineation conducted by the Corps on August 6, 2020 \(map shows area of vegetation clearing and mulching\).](#)
- Photographs: [Aerial and Other: Google earth imagery of 2014/2017/2020; corps' photos of 8/6/20.](#)
- Corps site visit(s) conducted on: [August 6, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Soil Survey in the Anchorage Area.](#)
- USFWS NWI maps: [NWI polygons in KMZ format.](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

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	Wetland mapping produced by the Municipality of Anchorage.
Other Sources	N/A.

B. Typical year assessment(s): [N/A.](#)

C. Additional comments to support AJD: [Ms. Barbara Anderson cleared brush vegetation in 0.10-acre of land owned by the Municipality of Anchorage Heritage Land Bank; then used the branches for wood chips and covered the cleared land with a 2-inch layer of mulch. The Municipality of Anchorage wetlands mapping layers](#)

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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does not show the cleared 0.10-acre area as contain wetlands. To verify mapping information the Corps conducted a field investigation and wetland delineation on August 6, 2020, with participation of the following Corps regulators: Kerri Hancock, Oliver Brown, and Estrella Campellone.

The following are the main findings: Two sampling sites were completed, one located in the area cleared of vegetation and the other sampling site in adjacent wetlands. Since natural vegetation was removed in October 2019, only a mature white spruce tree remained in the upper canopy. The shrub layer is dominated by new saplings of Alaska birch and the non-native invasive species European bird cherry; this non-native invasive species is typically found along edges of wetlands and riparian corridors in the Anchorage Bowl.

Other species found in the shrub layer include saplings of Scouler's willow, mountain ash, and common raspberry. The herb stratum is dominated by common horsetail, bluejoint grass, and dandelions. Weedy species also observed at the disturbed site include clover, rattlebox, and split-slipped hemp-nettle, among others. The sampling site located in the adjacent wetlands shows no sign of disturbance and is characterized by prostrated scrub-shrub wetlands dominated by native species such as sweet gale, dwarf birch, small cranberry, bog rosemary, Labrador tea, sedges, and cottongrass.

From Soil Survey: The area of disturbance is mainly in soil type 424 and a small portion in soil type 424. Soil type 424, Icknuun peat, is characterized by 0-3% slopes, depressions on till plains concave down and across the slope; organic material very poorly drained; available water capacity (approximate): 18.9 inches. This soil type typically supports low ericaceous shrub-shrub birch scrub, stunted black spruce woodland, open forest, and sedge-grass meadows. It is a mucky peat/silt loam on a deep layer of mucky peat, with moderately rapid permeability. In some areas construction may have altered the water table. Soil type 406, Cryorthents and Urban land, is characterized by 0-5% slopes, outwash plains, till plains, glacial sediments, linear down and across the slope, low runoff, sandy loam, moderate permeability to somewhat excessively drained, no flooding, very gravelly; depth to high water table (approximate): more than 72 inches.

Soils: The area cleared of vegetation contained a soil profile with a layer approximately 2 inches of chopped wood, 4 inches of mucky peat and a 4.5 inch-clayed layer on top of a deeper 31.5-inch mucky peat layer. Although the clayed-layer met Alaska Redox with 2.5 Y hue indicator for problematic hydric soils, Chapter 5 could not be used because the other two criteria, vegetation and hydrology, were not met (SP#1). Another pit was conducted within the disturbed area, but closer to the wetland boundary; this soil profile contained tree trunks and dead-grasses buried at more than 20-inch deep, this indicated that brush and vegetation was buried in the area in the past. Soils in adjacent wetlands were characterized by the presence of a deep saturated mucky peat layer (SP#2). A review of aerial imagery available in Google Earth indicates that the area may have been filled sometimes after the construction of the existing urban development, which was constructed by 1996; but the area cleared by Mr. Anderson seems to have been filled after 1996 and before 2002.

Hydrology: The cleared area did not show primary or secondary indicators of hydrology; while the adjacent wetland soils have saturation, high water tables, and surface water.

Based on this information the 0.10-acre disturbed by Ms. Anderson did not meet wetland criteria, therefore it does not contain wetlands under Corps jurisdiction (see map attached).

0221

7/2014

Legend

- Area
- Sample
- Wetland

Wetlands

SP#2

Uplands

SP#1

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