



**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): 10/14/2020  
 ORM Number: POA-1988-00021  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: AK City: Eureka County/Parish/Borough: Mat-Su  
 Center Coordinates of Review Area: Latitude 62.0058 Longitude -147.3118

**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: See AJD summary below.
- 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)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
0	0 linear feet	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
Tazlina Lake	0 acre(s)	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY).	Tazlina Lake is navigable-in-fact.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Albert Creek	1800' x 10' (0.41)	acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Albert Creek is a perennial a(2) tributary, that contributes surface water flow to Crooked Creek (a(2) trib), to Little Nelchina River (a(2)trib), to the Nelchina River a(2), to Tazlina Lake, an a(1) navigable water.

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
0	0	acre(s)	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
0	0	acre(s)	N/A.	N/A.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
N/A.	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: [A20206104, Application for Permit to Mine in Alaska \(APMA\)](#)

This information is sufficient for purposes of this AJD.

Rationale: [NA](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Google Earth, 05/30/2017, and site photos provided by applicant.](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Not available](#)
- USFWS NWI maps: [Not available](#)
- USGS topographic maps: [Talkeetna Mts A-1, 1956](#)

**Other data sources used to aid in this determination:**

<sup>4</sup> 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.

<sup>5</sup> 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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Data Source (select)	Name and/or date and other relevant information
USGS Sources	Placer Deposits of Alaska, Edward Cobb, USGS, 1973
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

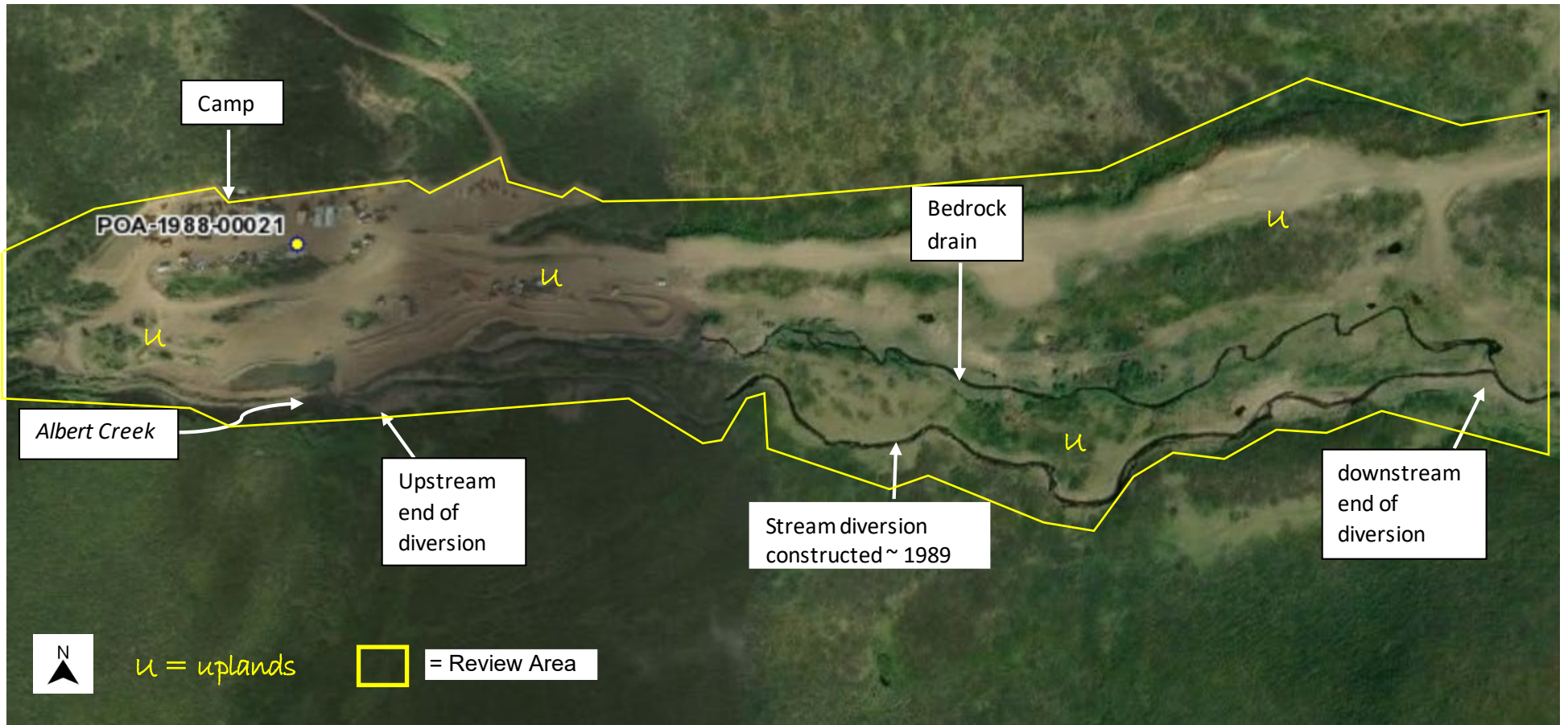
**B. Typical year assessment(s):** Not available.

**C. Additional comments to support AJD:** The site is located on Albert Creek, a headwater stream in the southern Talkeetna Mountains, where wetlands are limited to narrow riparian areas adjacent to streams on the valley floor. Mining on this creek started in 1912, with small scale operations continuing until the 1960s. There may have been wetlands in the riparian area of Alfred Creek at one time, but due to historic mining, activities, there have likely not been wetlands here for many decades.

The current operator has been largely inactive during the last couple of decades. In his mining application he reports reclamation of old tailings and processing a small amount (< 5000 cubic yards) of pay material. Except for a stream channel diversion and a bedrock drain, the mine area is composed of old mine tailings and is considered uplands.

In support of the upland call, the aerial photo of the mine site shows that it is largely barren, supporting sparse to moderate revegetation of grasses, willows (*Salix* spp., FACU/FAC/FACW), and alder (*Alnus* sp., FAC). The vegetation community is typical for upland areas recovering from historic mining. From the aerial photo and the site photos, it appears that the substrate in this area consists of coarse mine tailings, that do not satisfy hydric soil criteria. The paucity of revegetation since the last approximate mining episode indicates that the site is too well drained and dry to support wetland hydrology. The minesite does not support hydrophytic vegetation, hydric soils, or wetland hydrology, and except for the stream diversion, consists of uplands. Work in uplands does not require a DA permit.

The APMA reports an 1800 foot long x 10 feet wide (0.41 acre) temporary diversion of the creek and a bedrock drain, constructed approximately 30 years ago, sometime during the 1980s or early 1990's. The stream and drain are both jurisdictional waters contained within the review area, however, the operator does not propose disturbance in these areas, and they are considered to be outside the scope of the JD



POA-1988-00021, APMA 6041, Alfred Creek  
 Applicant: Steve and Patricia Lankford  
 Location: Lat. 62.0058, Long. -147.3118  
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 JURISDICTIONAL MAP