



**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): 3/4/2021  
 ORM Number: POA-2019-00115  
 Associated JDs: POA-2019-00115 (dated May 3, 2019) & POA-2005-00384 (dated October 19, 2020)  
 Review Area Location<sup>1</sup>: State/Territory: AK City: Fairbanks County/Parish/Borough: North Star Borough  
 Center Coordinates of Review Area: Latitude 64.816 Longitude -147.810

**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: N/A or describe rationale.
- 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
N/A.	N/A.	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
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
N/A.	N/A.	N/A.	N/A.

<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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**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
PSS 1	10	acre(s)	(b)(1) Non-adjacent wetland. No surface hydrology connection to TNW. See section IIIC for details.

**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: Application (dated) January 21, 2021  
This information is sufficient for purposes of this  
AJD. Rationale: N/A
- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and Other: Google Earth imagery (dated 1985-2020), ESRI world imagery (accsd February 2021)
- Corps site visit(s) conducted on: Date(s).
- Previous Jurisdictional Determinations (AJDs or PJDs): POA-2019-00115 (dated May 3, 2019)
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Greater Fairbanks Area (dated 2009)
- USFWS NWI maps: Tanana Flats Wetlands (accsd February 2021)
- USGS topographic maps: Fairbanks D–2 (accsd February 2021)

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Fairbanks D–2 (accsd February 2021)
USDA Sources	Greater Fairbanks Area (dated 2009)
NOAA Sources	N/A.
USACE Sources	POA-2019-00115 (dated May 3, 2019) & POA-2005-00384 (dated October 19, 2020)
State/Local/Tribal Sources	N/A.
Other Sources	Fairbanks North Star Borough Tax Parcel Maps (accsd February 2021)

**B. Typical year assessment(s):** N/A

**C. Additional comments to support AJD:** The site in question contains one palustrine shrub-scrub wetland which is part of a larger complex abutting an unnamed perennial slough. This slough was referred to as "South Slough" in an memorandum written by Ellen Lyons on December 3, 2019 - this memorandum described the significant nexus of a neighboring wetland under the Rapanos regulations for project file POA-2005-00384. Historically, the South Slough was a tributary channel to the Chena River, but lost its connectivity after construction of the Fairbanks International Airport. The National

<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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Hydrographic Dataset indicates that a connecting channel flows south from the South Slough impoundment towards A Channel, which connects to the Tanana River; however, aerial imagery dating from 1985 through 2020 shows that there is not regular surface flow in a typical year. Additionally, it is not the true historical pathway of the South Slough to a Traditionally Navigable Waterway, as the NHD shows this unnamed connection flowing south to Channel A, while the South Slough flows north to the Chena River. Previous neighboring determinations by the Corps and soil surveys by USDA have indicated that the area is comprised of a large wetland complex, and shallow ground water exists near the site, which may indicate that the site shares a hydrologic connection to the nearby Tanana River, but there is no aerial imagery or LiDAR hillshade that shows any presence of surface water flows or connection between the site and the Tanana River. In conclusion, this site, as previously determined, does contain wetlands. However, under the current Navigable Waters Protection Rule, the wetland in question is not considered to be a jurisdictional Waters of the United States.