



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): 28-JUL-2021

ORM Number: POA-2021-00366

Associated JDs: N/A

Review Area Location¹: 3505 Davis Road, Subdivision 1S 1W, Block 17, Lot 38

State/Territory: AK City: Fairbanks County/Parish/Borough: Fairbanks North Star Borough

Center Coordinates of Review Area: Latitude 64.826969 Longitude -147.80761

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)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 |
|-------------|-------------|-----------------|------------------------------------|
| N/A | N/A | N/A | N/A |

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 and 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 independent 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
|----------------|-------------------------------|-----------------------------|--|
| Relic Slough | approximately 535 linear feet | (b)(1) Non-adjacent wetland | The property contains a section of a relic slough that does not contribute surface water flow to a downstream jurisdictional water in a typical year. When inundated, the relic slough flows intermittently into a gravel pit pond originally excavated in wetlands but that in a typical year, is not inundated by flooding from a territorial sea or traditional navigable water, or tributary, or from another jurisdictional lake, pond, or impoundment. The pond does not have an outlet and therefore does not contribute flow to an a(1), a(2) or a(3) water. |

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: *Aerial photo and outline of slough location.*

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

Rationale: *no hydrologic connectivity information was presented. The site is a known wetland which applicant reported has standing water through the spring and early summer.*

_____ Data sheets prepared by the Corps: *None.*

Photographs: *Pictometry_2012_9in_College.sid (FNSB 2012)*

Corps Site visit(s) conducted on: *July 23, 2021 included a walking survey of the wetland's outlet and pathway to the Mitchell Highway.*

Previous Jurisdictional Determinations (AJDs or PJDs): *POA-2011-00977, Welton: jurisdictional under Rapanos decision).*

_____ Antecedent Precipitation Tool: *None were performed due to lack of surface water in aerial imagery.*

USDA NRCS Soil Survey: *Greater Fairbanks Area, Alaska (Version 16, Jun 1, 2020).*

USFWS NWI maps: *HU8_19080307_middle tanana (USFWS accsd online database 2018).*

USGS topographic maps: *Fairbanks D-2. 1:63,360*

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 | Historic wetlands mapping from 1980's. |
| State/Local/Tribal Sources | N/A. |

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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| | |
|---------------|---|
| Other Sources | FEMA Flood Map Flood Insurance Rate Maps 02090C4358J (FEMA effective on 03/17/2014), Property tax database (FNSB 2017), National Hydrography Database (accsd online 2018) |
|---------------|---|

- B. Typical year assessment(s):** N/A, it has been established that the site is a wetland. Jurisdiction will depend on connectivity to a TNW.
- C. Additional comments to support AJD:** The property does have wetlands but they are no longer jurisdictional under NWPR. The property contains a section of a relic slough that does not contribute surface water flow to a downstream jurisdictional water in a typical year. The wetland was originally a flow through relic slough which carried stormwater and seasonal snowmelt to the Tanana River near the airport. Multiple fills between this location and the airport have changed the conveyance. When inundated, the relic slough flows intermittently into a gravel pit pond to the south originally excavated in wetlands but that in a typical year is not inundated by flooding from a territorial sea or traditional navigable water, or tributary, or from another jurisdictional lake, pond, or impoundment. The pond does not have an outlet and therefore does not contribute flow to an a(1), a(2) or a(3) water. . It does, however, connect to the Tanana River through the shallow and permissive aquifer; groundwater is within 0-3 feet.

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

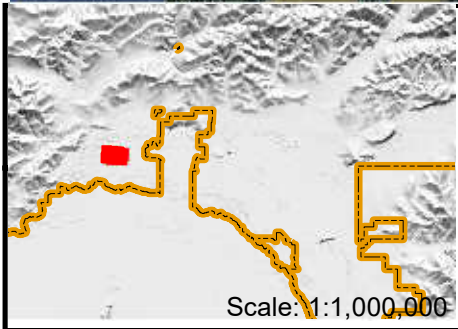
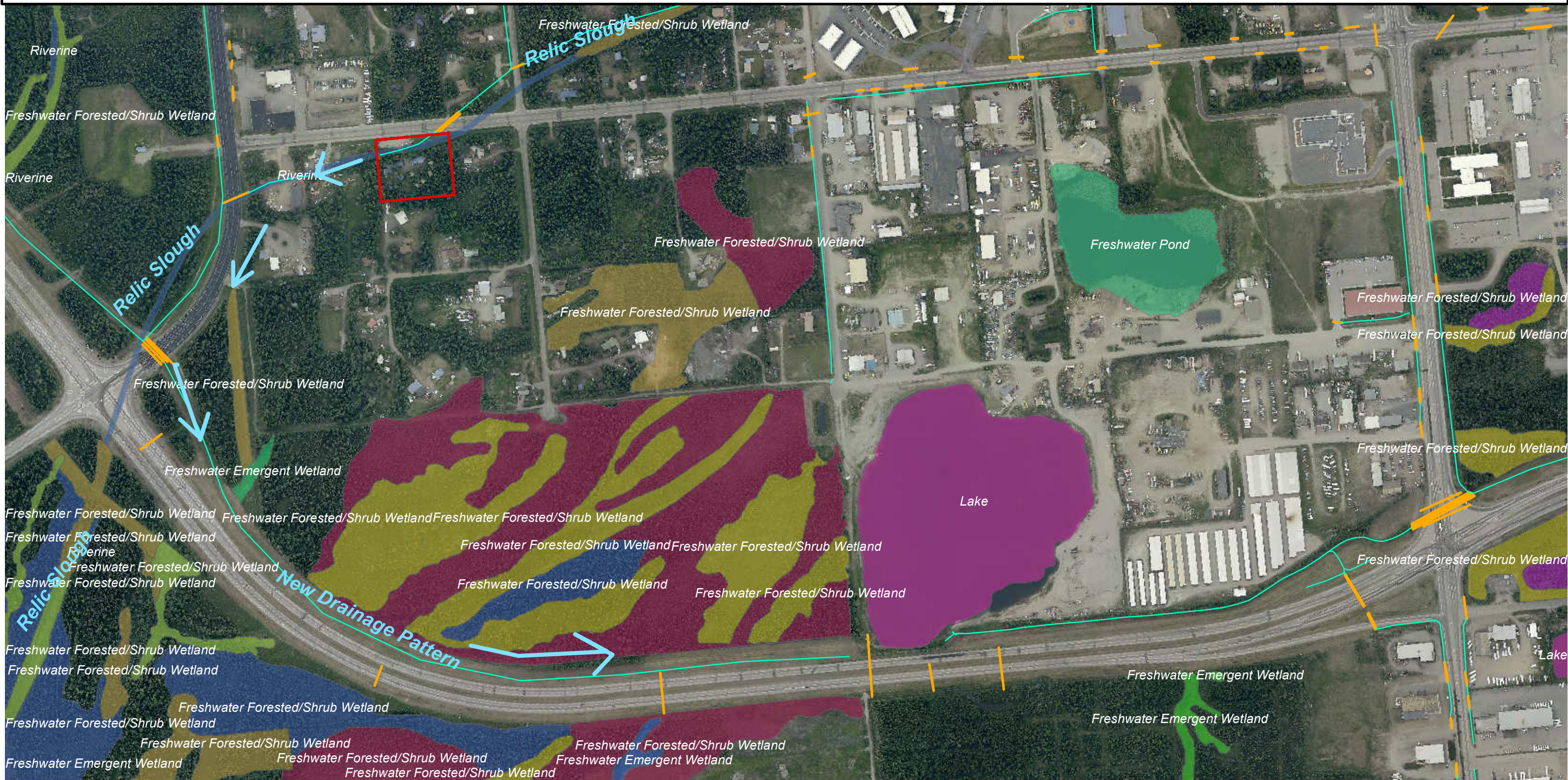
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POA-2021-00366, USACE wetland delineation synthesized from topography, historic hydrologic reports, comparative imagery and site visits.



USACE Regulatory, Alaska District Fairbanks
 Field Office (907) 474-2166
 Contact: amy.c.tippary@usace.army.mil
 Date: 8/3/2021
 Citation: USACE desktop determination, 2021
 Projection: Alaska Albers Scale: 1:5,000
 Imagery: Pictometry_College_2012.img (FNSB)

0 425 850 1275 Feet

Legend

| | | | | |
|-----------------------|-------|-----------|---------|-----------------------|
| STORMSWR_DITCH_LINE | PEM1B | PFO4/SS1B | PSS1/4B | PUBHx |
| STORMSWR_CULVERT_LINE | PEM1C | PSS/EM1B | PSS1B | R5UBH |
| L1UBHx | PEM1F | PSS1/3B | PSS4/1B | PARCEL_TAXINFO_JOINED |
| Project Area | | | | |

