



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): April 21, 2021
ORM Number: POA-1987-00735
Associated JDs: N/A

Review Area Location¹: Yukon River Mining District, State Mining Claims Quail 5 Above and Quail 5 Above. Approx. 18.6 miles northwest of the village of Minto, 15 miles southeast of the village of Rampart, and 37 miles southwest of the town of Livengood, Alaska.

State/Territory: AK City: near Rampart County/Parish/Borough: Yukon-Koyukuk

Census Area Center Coordinates of Review Area: Latitude 65.358 Longitude -149.7845

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
PFO/PSS	6 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetlands exhibit a vegetative signature corresponding to FAC and FACW indicator statuses.

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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			and evidence suggests that wetland hydrologic and soil features are present.
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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
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: *N/A. A request for additional information was submitted to the applicant with an aerial imagery map of the project requesting details of where the mining was going to be and what the sequencing would be. The map was returned with parcels planned for mining through 2024, however no substantial vegetation, soils or hydrology information was gained.*

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

Rationale: *The applicant's application was incomplete and no wetland delineation information was gained from it.*

___ Data sheets prepared by the Corps: *N/A.*

Photographs: Digital Globe imagery database, (accsd online, 04-2021). *Google Earth (accsd online 04-2021).*

___ Corps Site visit(s) conducted on: *N/A.*

___ 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: *There are no mapped soils in this area.*

___ USFWS NWI maps: *There is no NWI map in this area.*

USGS topographic maps: *Livengood B-6 1:63,360 (USGS 1952, minor revisions 1981)*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Livengood B-6 1:63,360 (USGS 1952, minor revisions 1981)
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): N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

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- C. Additional comments to support AJD:** Two wetland types were present, assessed as such based on preponderance of evidence shown in aerial imagery detailing vegetative cover. Two imagery signatures, one with vegetation and one without, were assessed as uplands due to:
1. The lack of vegetation, which does not necessarily prohibit its classification as a wetland (i.e., Problematic Circumstances), however it does reduce the potential for presence of wetland hydrology due to shallow aquitards which would only persist under insulative vegetation in this floodplain situation. And,
 2. The presence of mature, white spruce (FACU) forest in the project area.

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Figure 2. Approximately 6 acres are categorized as wetland: 2.9 acres Dwarf coniferous woodland and 3.1 acres Deciduous scrub shrub. The remaining acreage are considered uplands due to the presence of Facultative Upland vegetation or cleared ground supporting neither vegetation or frozen aquitard. Quail Creek flows east in the lower portion of the map, Nuggett Creek flows east in the upper portion of map (map label incorrect for Nugget Ck).