



**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): [7/30/2021](#)
 ORM Number: [POA-2020-00566](#)
 Associated JDs: [NA](#)
 Review Area Location¹: State/Territory: [AK](#) City: [Homer](#) County/Parish/Borough: [Kenai Peninsula](#)
 Center Coordinates of Review Area: Latitude [59.6450](#) Longitude [-151.5742](#)

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
W-3	0.002	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Delineation report prepared by ABR, Inc. – Environmental Research & Services, dated January 2021. The stream flows into Kachemak Bay, a Navigable Water of the U.S.
W-4	0.005	acre(s)	(a)(2) Intermittent tributary contributes	Delineation report prepared by ABR, Inc. – Environmental Research & Services, dated January

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	2021. The stream flows into Kachemak Bay, a Navigable Water of the U.S.
W-5	0.023	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Delineation report prepared by ABR, Inc. – Environmental Research & Services, dated January 2021. The stream flows into Kachemak Bay, a Navigable Water of the U.S.
W-7	0.041	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Delineation report prepared by ABR, Inc. – Environmental Research & Services, dated January 2021. The stream flows into Kachemak Bay, a Navigable Water of the U.S.
W-8	0.008	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Delineation report prepared by ABR, Inc. – Environmental Research & Services, dated January 2021. The stream flows into Kachemak Bay, a Navigable Water of the U.S.

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.	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.	N/A.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
W-1.	0.007	acre(s)	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Delineation report prepared by ABR, Inc. – Environmental Research & Services, dated January 2021. The stream goes underground.
W-2.	0.001	acre(s)	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Delineation report prepared by ABR, Inc. – Environmental Research & Services, dated January 2021. The stream goes underground.
W-6.	0.004	acre(s)	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Delineation report prepared by ABR, Inc. – Environmental Research & Services, dated January 2021. The stream goes underground.

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: [Delineation report prepared by ABR, Inc. – Environmental Research & Services, dated January 2021](#)

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

Rationale: [The delineation report was received by the Corps during the winter and was insufficient to determine the jurisdictional status of the subdivision. Additional data points were needed. Delineation confirmed by the July 26, 2021 site visit.](#)

- Data sheets prepared by the Corps: [See Memorandum for the Record dated July 30, 2021.](#)
- Photographs: Other: [See Memorandum for the Record dated July 30, 2021.](#)
- Corps site visit(s) conducted on: [See Memorandum for the Record dated July 30, 2021.](#)
- 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: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

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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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	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [The consultant utilized the Antecedant Precipitation Tool and determined that typical hydrological conditions existing during the site visit.](#)

C. Additional comments to support AJD: [Data sheets filed out to confirm the findings of the consultant supplied delineation report. See Memorandum for the Record dated July 30, 2021.](#)