



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): July 30, 2021

ORM Number: POA-2021-00307

Associated JDs: N/A

Review Area Location¹:

State/Territory: AK City: Anchorage County/Parish/Borough: Anchorage Municipality

Center Coordinates of Review Area: Latitude 61.167174 Longitude -149.840904

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
Wetland-1	1.8 acres	(b)(1) Non-adjacent wetland	The wetland does not abut nor is it adjacent 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: *JL Dowling Road/Lake Otis parkway Wetland Delineation Report. November 2016.*
This information is sufficient for purposes of this AJD.
Rationale: *N/A*
- Data sheets prepared by the Corps: *N/A*
- Photographs: *Aerial photos and onsite photos in delineation referenced above.*
- Corps Site visit(s) conducted on: *June 25, 2021*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *N/A*
- USDA NRCS Soil Survey: *N/A*
- USFWS NWI maps: *N/A*
- USGS topographic maps: *Anchorage A-8 NW Quadrangle, Alaska. 7.5 Minute Series. Scale 1:25,000. 2019.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS. National Hydrography Dataset Map. Accessed July 28, 2021.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Municipality of Anchorage. Stormwater Asset Map. Accessed July 26, 2021.

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

C. Additional comments to support AJD: The review area consists of a 7.67-acre undeveloped parcel located within a developed area at the northwest corner of the intersection at W Dowling Street and Lake Otis Parkway. This site is located within the 12-digit Hydrologic Unit Code (HUC) of South Fork Little Campbell Creek (12-digit HUC No. 190204010602).

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A wetland delineation titled “*JL Dowling Road/Lake Otis parkway Wetland Delineation Report*”, dated November 2016, was submitted by the applicant and identified a 1.8-acre wetland within the review area. The report also identified an open stormwater conveyance channel immediately to the north of the wetland and review area which flows west eventually discharging into an underground stormwater conveyance pipe.

On June 25, 2021 a site examination was conducted within the review area. During the examination, the wetland and open stormwater conveyance channel were observed. Surface water was observed within the stormwater channel during the examination.

As part of the review, the Corps examined the submitted wetland delineation, the U.S. Geological Service’s (USGS) National Hydrography Dataset (NHD), a USGS topographic map encompassing the review area, and the Municipality of Anchorage’s stormwater asset map (SAM). The USGS NHD, SAM, and USGS topographic map did not indicate the presence of a historic or relocated tributary within or near the review area. The SAM indicated flows from the open stormwater conveyance channel immediately north of the review area flows west, then southwest, and eventually discharges into the Cook Inlet via the municipality’s stormwater conveyance system and natural river systems. Although a surface water connection to a traditional navigable water (i.e. Cook Inlet) exists, the connection is not an (a)(2) water (tributary) and does not serve as a jurisdictional hydrologic surface connection. The wetland is also not considered part of an existing wetland complex separated from an (a)(1), (a)(2), or (a)(3) [33 CFR 328.3 (a)] water by an artificial structure, such as, an artificial dike, barrier, or similar structure. Therefore, the wetland is considered a non-adjacent wetland categorized as a (b)(1) water [33 CFR 328.3 (b)].

In accordance with 33 CFR 328.3 and the June 22, 2020 implementation of the Navigable Water Protection Rule, the wetland identified within the review area does not meet the definition of “Waters of the United States” and, therefore, is not subject to regulation under Section 404 of the Clean Water Act.

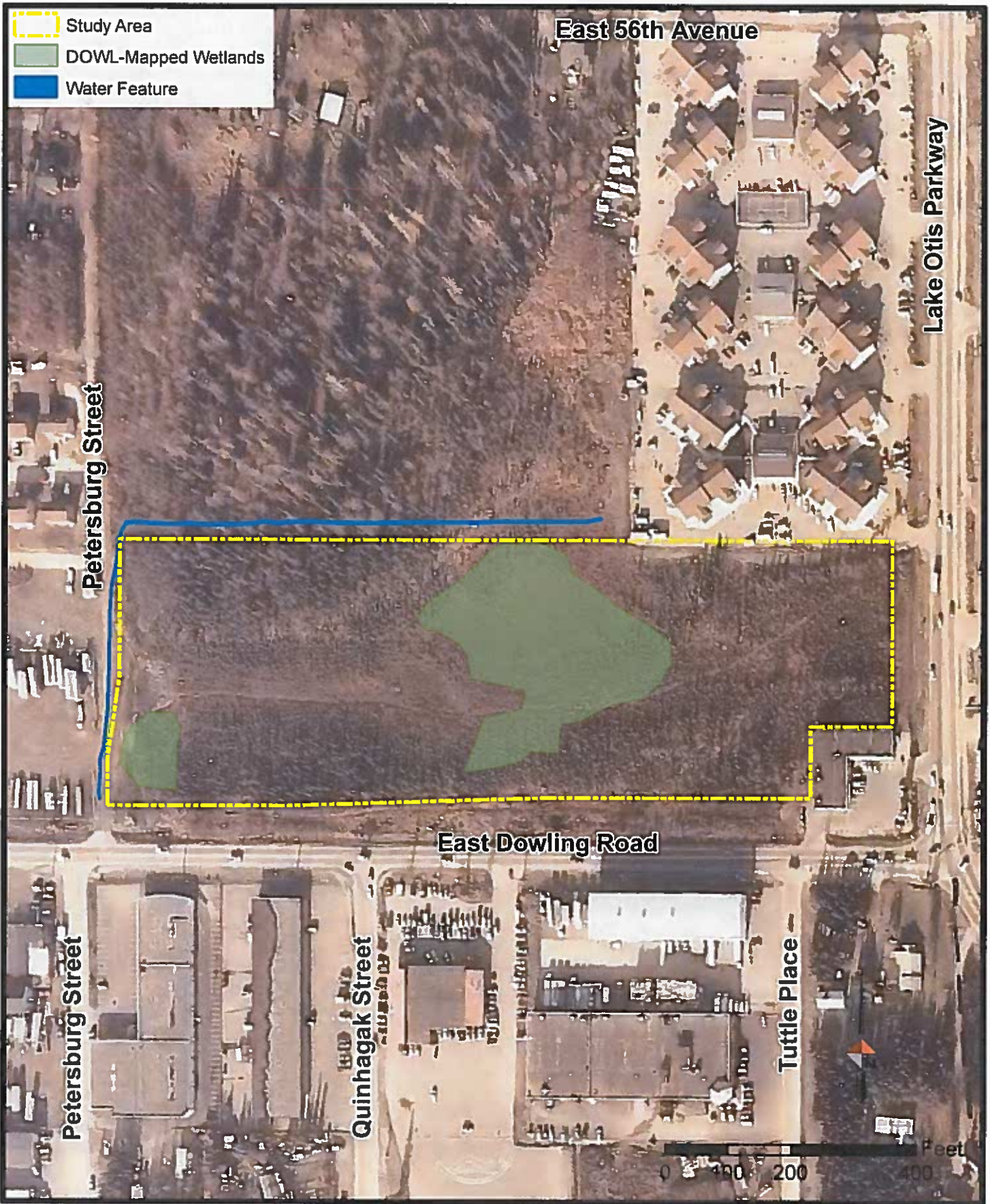
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Q:\3262309-0160G\SIENV\Figure 5 1984 Image.mxd

	<p>1984 AERIAL JL DOWLING ROAD/LAKE OTIS PARKWAY WETLAND DELINEATION ANCHORAGE, ALASKA</p>	<p>Figure 5</p>
		<p>November 2016</p>