



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): August 3, 2021

ORM Number: POA-2021-00339

Associated JDs: PJD under POA-2021-00339

Review Area Location¹:

State/Territory: AK City: Wasilla County/Parish/Borough: Matanuska-Susitna Borough
Center Coordinates of Review Area: Latitude 61.611708 Longitude -149.241075

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	1.06 acres	(b)(1) Non-adjacent wetland	The wetland does not meet the criteria of an adjacent wetland defined in 33 CFR 328.3 (c)(1).
Wetland-2	0.54 acres	(b)(1) Non-adjacent wetland	The wetland does not meet the criteria of an adjacent wetland defined in 33 CFR 328.3 (c)(1).

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: *“Wetland Delineation and Proposed Jurisdictional Determination For The Ashmore Lot, Wasilla, Alaska”, dated June 2021.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

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

Photographs: *“Wetland Delineation and Proposed Jurisdictional Determination For The Ashmore Lot, Wasilla, Alaska”, dated June 2021.*

Corps Site visit(s) conducted on: *July 27, 2021*

Previous Jurisdictional Determinations (AJDs or PJDs): *POA-2021-00339*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Title(s) and/or date(s).*

USFWS NWI maps: *“Winter Rose Apartments”, dated April 15, 2021*

USGS topographic maps: *Anchorage C-6 SW Quadrangle, Alaska-Matanuska-Susitna Borough; 7.5-minute series; scale 1:25,000. 2016.*

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 Antecedent Precipitation Tool (APT) was used to determine if the onsite examination on July 27, 2021 was conducted during a climatological “typical year” for the review area. Data was gathered from four (4) weather stations located approximately 5-miles (Palmer Municipal Airport), 3.4-miles (Anderson Lake), 3.2-miles (Matanuska Exp Farm), and 3.8-miles

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(Palmer 1.7 WNW) from the review area. Results from the APT note that on the day of the site examination the review area was in the dry season. The APT results indicate that the field visit was conducted during normal conditions for the rolling 30-year period.

- C. Additional comments to support AJD:** The review area consists of an approximately 25-acre undeveloped parcel located at the southwest corner of the intersection of East Bogard Road and North Trunk Road. This area is located within the 12-digit Hydrologic Unit Code (HUC) of Wasilla Creek (12-digit HUC No. 190204010802). Some development has occurred in the area surrounding the review area, which includes minor residential development to the northwest and southwest, and a gravel mine to the east. An unnamed perennial creek bisects the property, entering at the eastern boundary and exiting near the southwest corner.

The applicant submitted a wetland delineation titled “Wetland Delineation and Proposed Jurisdictional Determination for The Ashmore Lot, Wasilla, Alaska”, dated June 2021. The delineation report identified five (5) distinct wetlands and one (1) creek within the review area. Three (3) wetlands abutting the unnamed stream and the unnamed stream are being reviewed under a separate action (Corps Action No. POA-2021-00307) as a preliminary jurisdictional determination (PJD), while the two (2) wetlands (i.e. Wetland-1 & Wetland-2) located along the western boundary of the review area are being reviewed as part of this approved jurisdictional determination (AJD) [see figure 2]. As a result of the onsite delineation, the applicant indicated Wetland-1 and Wetland-2 do not exhibit a surface water connection to any nearby waters of the U.S. (WOTUS) nor are they part of a contiguous wetland complex adjacent to the creek.

An onsite examination of the review area was conducted on July 27, 2021. While onsite the entire boundary of Wetland-1 and Wetland-2 were examined. Wetland-1 did not appear to exhibit a surface water connection to any nearby WOTUS. While examining the eastern boundary of Wetland-2, a small mound was observed extending from the southern to the northern extent of the wetland boundary. It was undetermined whether the mound was natural or artificial as the elevation change does not appear within the U.S. Geological Service’s topographic map of the area. The mound appeared to separate the Wetland-2 from the unnamed creek and the nearby wetlands adjacent to the creek. Wetland-2 did not appear to exhibit a surface water connection to any nearby WOTUS.

After review of the submitted wetland delineation, the U.S. Geological Service’s (USGS) National Hydrography Dataset (NHD), the USGS topographic map encompassing the review area, and an onsite examination of the review area, the Corps has determined Wetland-1 and Wetland-2 are not adjacent to a WOTUS and do not appear to exhibit a surface water connection to a WOTUS. Therefore, Wetland-1 and Wetland-2 are considered a non-adjacent wetland categorized as a (b)(1) water [33 CFR 328.3 (b)(1)]. In accordance with 33 CFR 328.3 and the June 22, 2020 implementation of the Navigable Water Protection Rule, Wetland-1 and Wetland-2 do not meet the definition of

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“Waters of the United States” and, therefore, are not subject to regulation under Section 404 of the Clean Water Act.

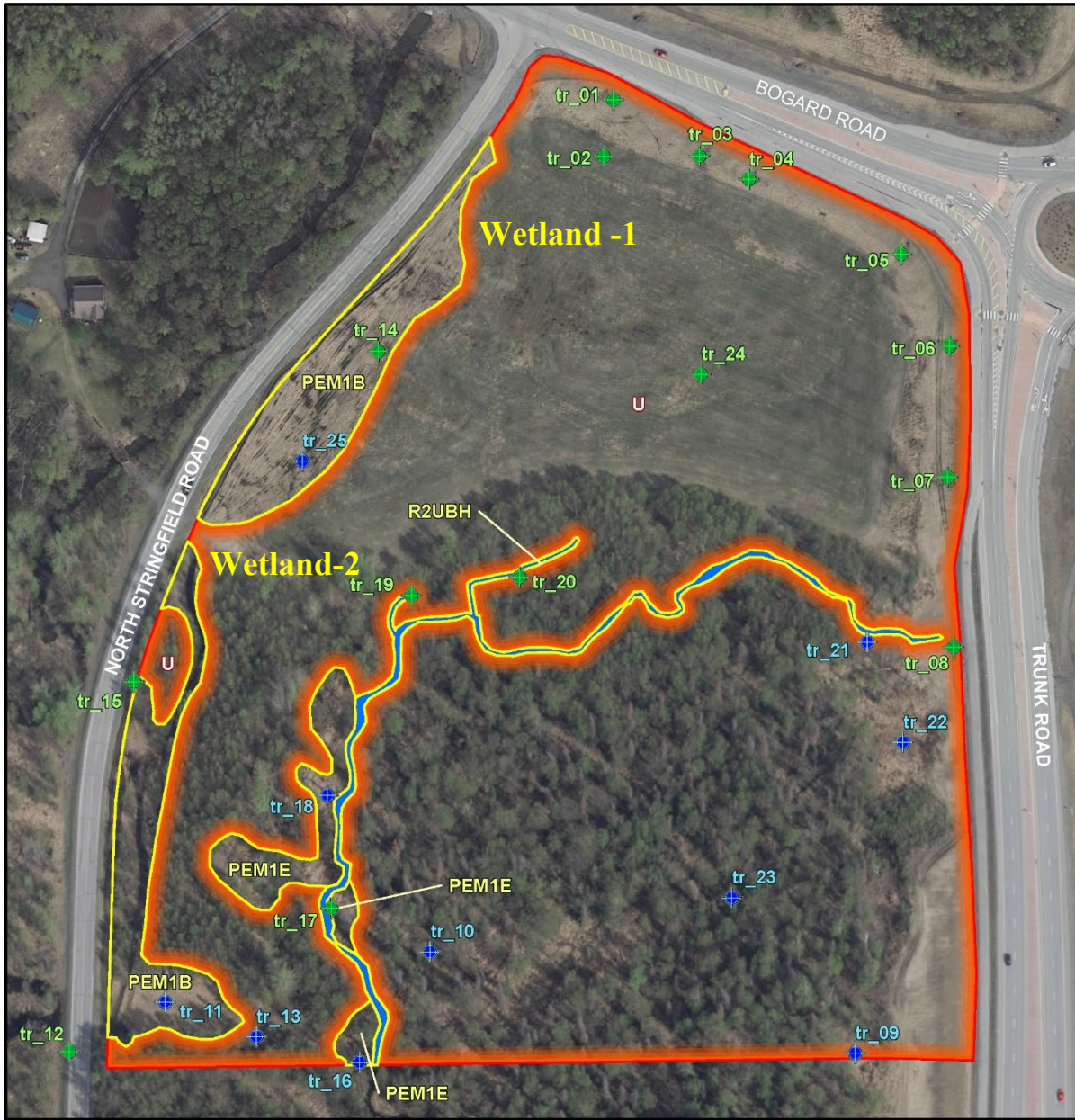
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Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community. Background image MSB 2019 Aerial Imagery at 0.15 meter spatial resolution, acquired April 30, 2019.

NWI Code ¹	NWI Description
Waters	
R2UBH	Riverine Lower Perennial Permanently Flooded Unconsolidated Bottom
Wetlands	
PEM1E	Palustrine Seasonally Flooded-Saturated Persistent Emergent
PEM1B	Palustrine Seasonally Saturated Persistent Emergent
Uplands	
U	Upland

¹ National Wetland Inventory (NWI) nomenclature based on FGDC 2013.

Wetland Determination Plot	Map Verification Plot
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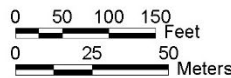


Figure 2.
Wetlands and Waters
of the Ashmore Lot
Wetlands Study Area,
Alaska, 2021.

map prepared by:
ABR, Inc. — Environmental Research & Services

3 June 2021	Fig2_TrunkBogard_Wetlands_21-255.mxd
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