



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 24, 2021

ORM Number: POA-2021-00379

Associated JDs: N/A

Review Area Location¹:

State/Territory: AK City: Wasilla County/Parish/Borough: Matanuska-Susitna Borough

Center Coordinates of Review Area: Latitude 61.518185 Longitude -149.657665

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 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 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	2.4 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: *AJD Request Packet*.
This information *is and is not* sufficient for purposes of this AJD.
Rationale: *The submitted documentation from the applicant in combination with data gathered by the Corps is sufficient for purposes of this AJD.*
- Data sheets prepared by the Corps: *N/A*
- Photographs: *Onsite photos of site visit conducted on August 12, 2021*
- Corps Site visit(s) conducted on: *August 12, 2021*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Custom Soil Resource Report for Matanuska-Susitna Valley Area, Alaska; Civil Resources/Aurora Heights JD Request (POA-2021-00379). Accessed August 16, 2021.*
- USFWS NWI maps: *N/A*
- USGS topographic maps: *Anchorage C-8 SE 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	Custom Soil Resource Report for Matanuska-Susitna Valley Area, Alaska; Ecological Sites, Civil Resources/Aurora Heights JD Request (POA-2021-00379). Accessed August 16, 2021.
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 August 12, 2021 was conducted during a climatological “typical year” for the review area. Data was gathered from seven (7) weather stations located approximately 19.4-miles (Palmer Municipal Airport), 7.5-miles (Wasilla 2.7 NW), 9.1-miles (Houston), 10.4-miles (Mirror Lake Scout Camp), 7.4-miles (Wasilla 3 S), 8.2-miles (Wasilla 3.1 SSE), and 12.8-miles (Anderson Lake)

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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 2.4-acre undeveloped tract of land located north of the intersection of That Way and This Way. This area is located within the 12-digit Hydrologic Unit Code (HUC) of Three Mile Creek-Fish Creek (12-digit HUC No. 190204010504). Minimal amounts of residential development have occurred to the west and to the south of the review area. The applicant identified one (1) aquatic resource (i.e. Wetland-1) within the review area (Figure 1-3).

An onsite examination of the review area was conducted on August 12, 2021. Wetland-1 is located in a depression with sloping upgradient hills in all directions. Uphill sloping to the north, west, and east is gradual with the uphill gradient terminating at a much higher elevation than the mapped location of Wetland-1. The uphill gradient to the south is steeper than the others and appears to terminate at about the same elevation as the surrounding hills. As the elevation increases the vegetation transitions to large Birch (*Betula spp.*) and Spruce trees (*Picea spp.*). Indicators of an outlet or inlet were not observed at Wetland-1.

As part of this jurisdictional determination a Natural Resources Conservation Service (NRCS) ecological site description map and soil survey map, a United States Geological Survey (USGS) topographic map of the review area, and the applicant's submitted documents (i.e. drainage basin map & Cook Inlet Wetlands map) were reviewed. The NRCS soil map indicates the review area is composed of Cryaquepts, depressional, 0 to 7 percent slopes, which is rated as a hydric soil found in landforms such as, depressions on outwash plains, depressions on hills, and depressions on till plains. The NRCS correlates soil map unit components to a certain ecological site as these ecological sites have characteristic soils (NRCS Ecological Sites, Accessed 8/16/2021). The ecological site that corresponds to Cryaquepts, depressional, 0 to 7 percent slopes, soils within Alaska is "Depressions" (Ecological Site No. F224XY003AK). Furthermore, the Cook Inlet Wetlands Mapper describes this particular wetland as being a depressional wetland. The USGS topo map depicts the review area as being relatively flat with rising slopes in the surrounding area. Onsite observations revealed the area is more concave than what is depicted in the topographic map. The reviewed documents verify the wetland is located in a depression.

After review of the applicant submitted documentation and the information obtained by the Corps, including the onsite examination conducted on August 12, 2021, the Corps has determined Wetland-1 is not adjacent to a water of the U.S. (WOTUS) and does not appear to exhibit a surface water connection to a WOTUS. Therefore, Wetland-1 is 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

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implementation of the Navigable Water Protection Rule, Wetland-1 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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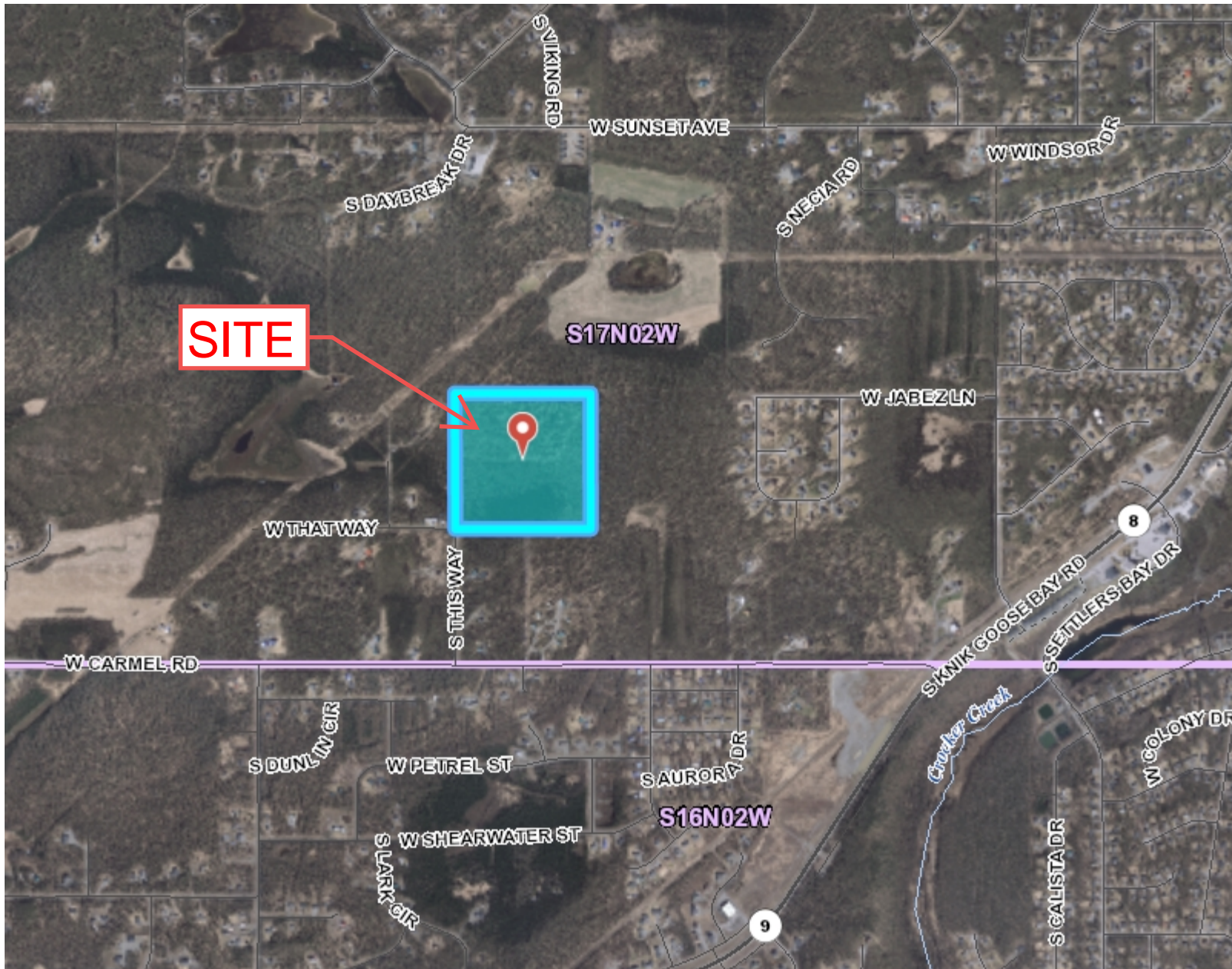
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Matanuska-Susitna Borough



Legend

- Road Mileposts
- Roads**
 - Highway
 - Major Road
 - Medium Road
 - Minor Road
 - Ramp
 - - Primitive Road
 - - Private Road
- + Alaska Railroad
- ▭ Mat-Su Borough Boundary
- ▭ Incorporated Cities
- ▭ Lakes and Rivers
- ▭ Streams
- ▭ Township Lines

Description
 Owner 1: THREE RIVERS DEVELOPMENT LLC
 Owner 2:
 Legal: TOWNSHIP 17N RANGE 2W SECTION 33 LOT C3
 General Ownership: PRIVATE
 Account: 17N02W33C003
[Create PDF Parcel Report](#)
[View in myProperty](#)

Details
 Parcel ID
 48967
 Account ID
 17N02W33C003
 General Ownership
 PRIVATE
 Owner
 THREE RIVERS DEVELOPMENT LLC
 Legal
 TOWNSHIP 17N RANGE 2W SECTION 33 LOT C3

1.1 0 0.57 1.14 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Matanuska-Susitna Borough

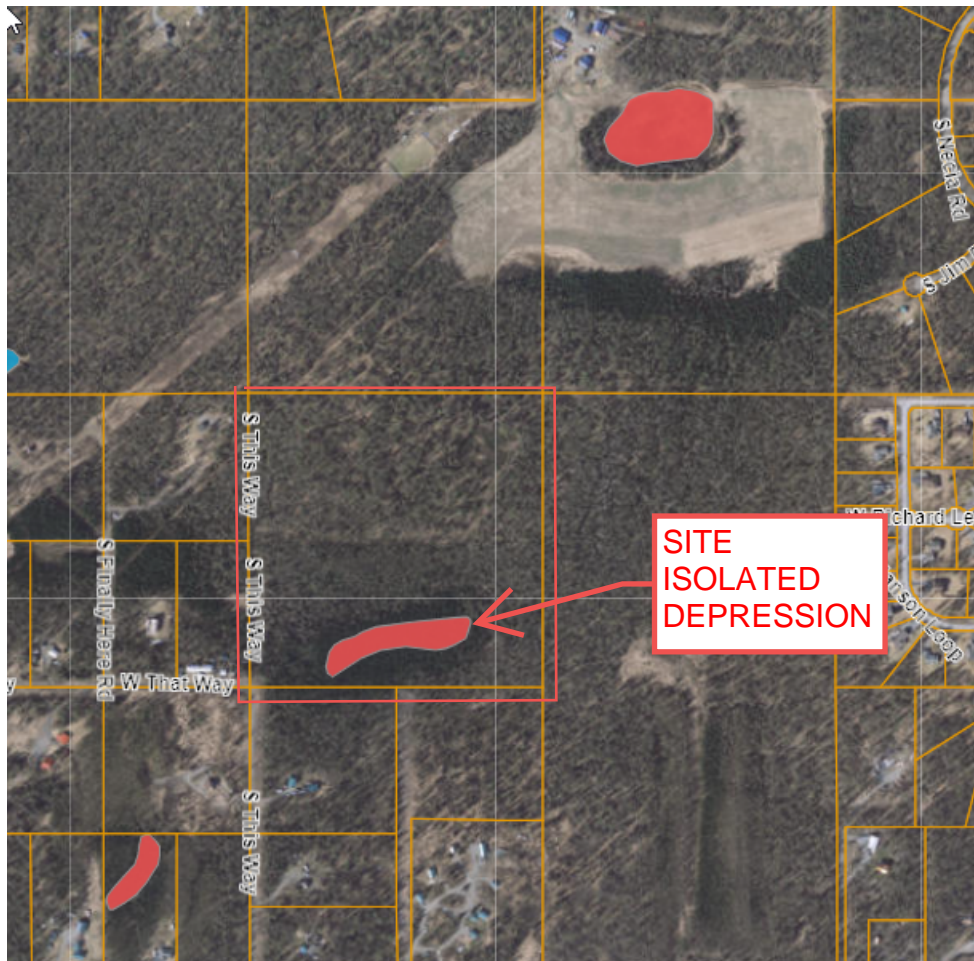
Reported on 07/14/2021 07:18 PM

THIS MAP IS NOT TO BE USED FOR NAVIGATION

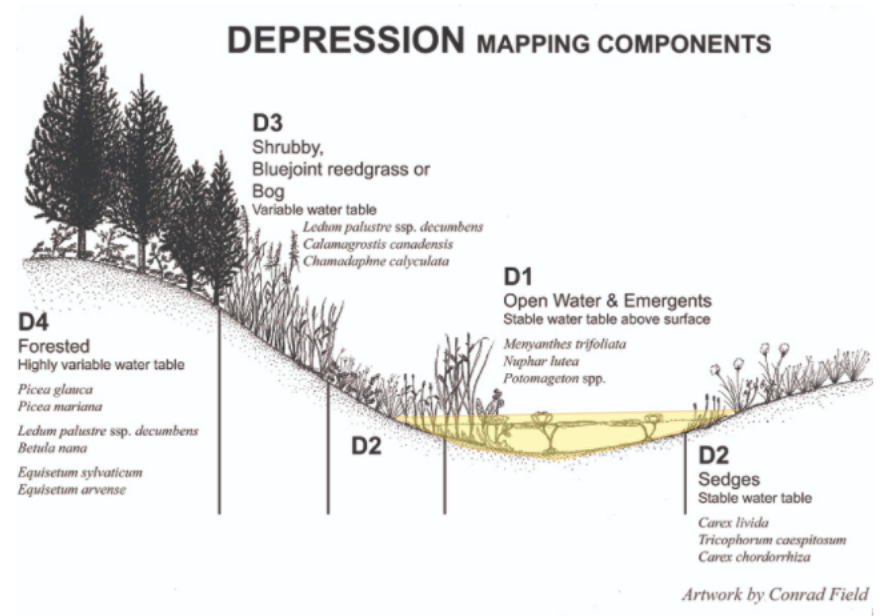
This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858.

Notes

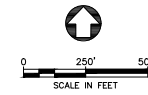
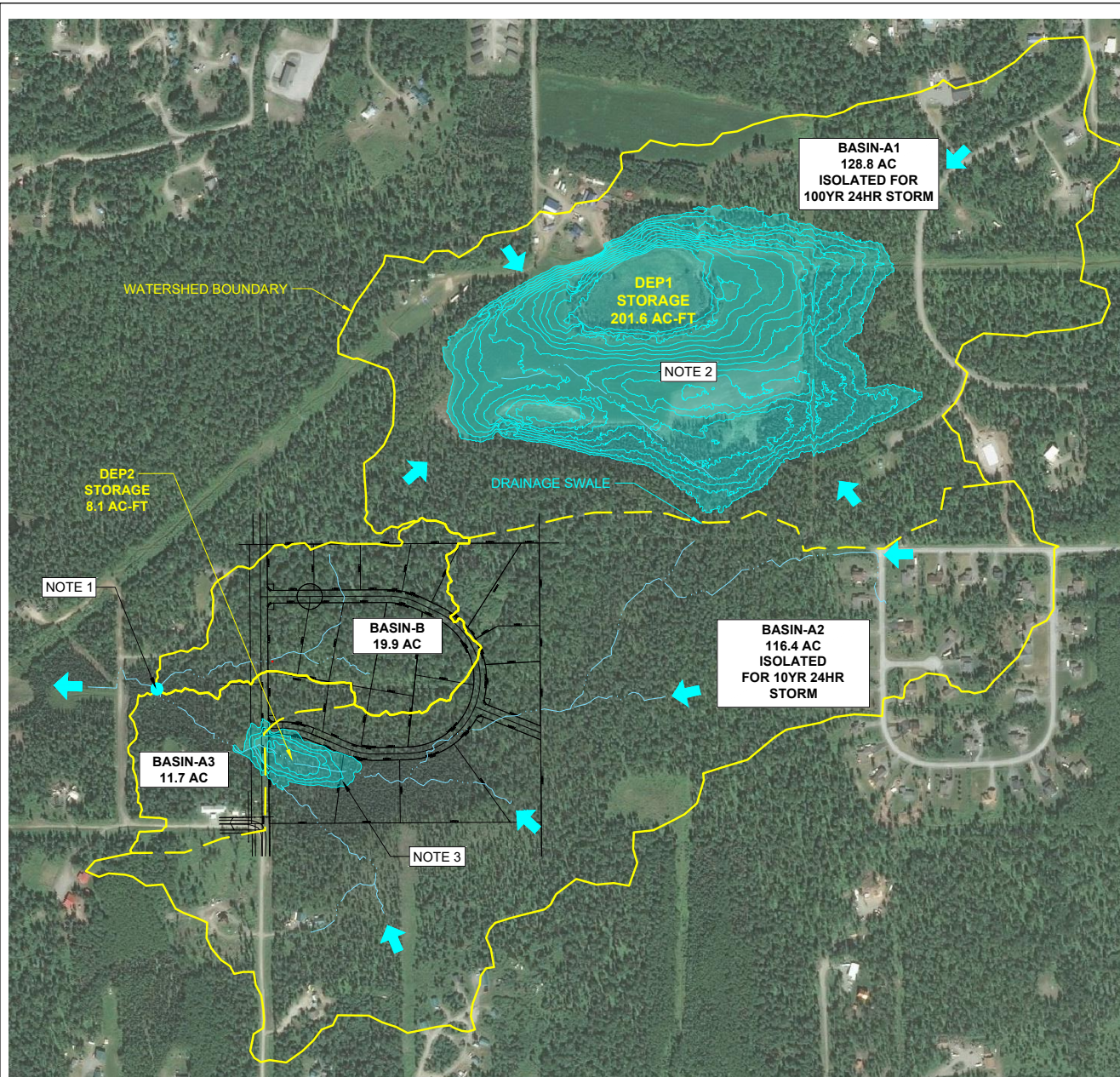
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Depression Wetlands



Mapping Components and plants in Cook Inlet Depressions



NOTES

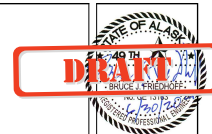
1. OUTFALL POINT OF CONCENTRATION. USE FOR PRE/POST EVALUATION.
2. LARGE NATURAL ISOLATED DEPRESSION WETLAND, 22-FT DEEP, 47.2 AC SURFACE, AND 201.6 AC-FT STORAGE. CRYOQUEPTS, DEPRESSIONAL, 85% HYDRIC SOIL, AND HYDROLOGIC SOIL GROUP D.
3. LARGE NATURAL ISOLATED DEPRESSION WETLAND, 6-FT DEEP, 2.4 AC SURFACE, AND 8.1 AC-FT STORAGE. CRYOQUEPTS, DEPRESSIONAL, 85% HYDRIC SOIL, AND HYDROLOGIC SOIL GROUP D.
4. BASINS A1 AND A2 ARE NOT CONNECTED TO TRADITIONAL NAVIGABLE WATERS AND ARE NOT WATERS OF THE UNITED STATES.
5. SOIL DISTURBANCE IN BASINS A3 AND B WILL REQUIRE NOTICE OF INTENT AND STORM WATER POLLUTION PREVENTION PLAN IF GREATER THAN ONE ACRE.

BASIN-A1/DEP1

STORM	DEPTH (IN)	24-HR RUNOFF VOLUMES			
		ACRES	C	AC-FT	%-STORAGE
1YR	1.12	128.8	0.076	0.9	0.5%
10YR	2.39	128.8	0.201	5.2	2.6%
100YR	4.29	128.8	0.278	12.8	6.4%

BASIN-A2/DEP2

STORM	DEPTH (IN)	24-HR RUNOFF VOLUMES			
		ACRES	C	AC-FT	%-STORAGE
1YR	1.12	116.4	0.076	0.8	10.3%
10YR	2.39	116.4	0.201	4.7	57.6%
100YR	4.29	116.4	0.278	11.6	143.0%



CIVIL RESOURCES, LLC
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 WASSILLA, AK 99554
 BRUCE@CIVILRESOURCESLLC.COM
 PHONE: (907) 354-3021
 JOB#: 03.2021

AURORA HEIGHTS
 WATERSHED AERIAL

DRAWING NUMBER
MAP1

EXHIBIT IS FOR PLANNING AND COORDINATION NOT FOR CONSTRUCTION

REFERENCE: PRELIMINARY DRAINAGE REPORT