

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 03/07/2022

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Alaska District, POA-2021-00554

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Alaska                      Borough: Municipality of Anchorage                      City: Anchorage  
Center coordinates of site (lat/long in degree decimal format): Lat. 61.151434 °N., Long. -149.833151 °W.  
Universal Transverse Mercator: 6V  
Name of nearest waterbody: Campbell Creek  
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Campbell Lake (No direct connection)  
Name of watershed or Hydrologic Unit Code (HUC): 1902040106

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination.                      Date: 02/24/2022  
 Field Determination.                      Date(s): N/A

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

- a. Indicate presence of waters of U.S. in review area (check all that apply):**<sup>1</sup> N/A  
**b. Identify (estimate) size of waters of the U.S. in the review area:** N/A  
**c. Limits (boundaries) of jurisdiction based on:** N/A

**2. Non-regulated waters/wetlands (check if applicable):**<sup>2</sup>

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: The wetlands are not adjacent to a TNW or abutting an RPW. See below for additional information

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

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<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> Supporting documentation is presented in Section III F.

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: N/A

Summarize rationale supporting determination: N/A

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”: N/A

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>3</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

N/A

**C. SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook.

N/A

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<sup>3</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):** N/A

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):**<sup>4</sup>

N/A

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: The wetland parcel is isolated by terrain features and development on all sides. The wetland parcel is in a depression based on the Municipality topography mapping.

Other: (explain, if not covered above): To ensure there was no connection via shallow sub surface flow, saturated hydraulic conductivity (Ksat) was evaluated. To the north of the parcel, the Ksat value was 429 with a rating of 33.2312 micrometers per second. This would equate to 9.42 feet per day. The distance to Campbell Creek from the parcel was approximately 563 feet meaning the water could reach the creek in 59 days. This area was 35 feet higher in elevation and it was unlikely that water was flowing in this direction. It would be possible that there is an aquitard that was at a lower elevation for the water to flow north. However, this scenario is unlikely due to historical imagery showing the wetland previously extending further south. It is more likely that the water is flowing downhill in elevation from rainfall into the wetland depression. To the east, the creek is approximately 900 feet. The Ksat value in between here is 406 with a rating of 7.76 micrometers per second. This would equate to 2.2 feet per day, meaning the water could reach the creek in 409 days. This is not a reasonable time frame for the wetlands to have an effect on the stream as the ground would be frozen for at least 6 months (~183 days) of the year, if not longer. There are no direct connections to the waterway even outside of the property in review.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

N/A

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

Non-wetland waters (i.e., rivers, streams): 0 linear feet 0 width (ft).

Lakes/ponds: 0 acres.

Other non-wetland waters: 0 acres.

Wetlands: 1.03 acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: NWI and MOA wetland maps and surface contours map

Data sheets prepared/submitted by or on behalf of the applicant/consultant: 09/2021

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps: N/A

Corps navigable waters' study: N/A


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<sup>4</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Jurisdiction Following Rapanos.

- U.S. Geological Survey Hydrologic Atlas: N/A
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- Alaska District's Approved List of Navigable Waters
- U.S. Geological Survey map(s). Cite scale & quad name: N/A
- USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) Database accessed 02/2022: <https://websoilsurvey.nrcs.usda.gov/app/>; Mapped as 424 IcknuunPete
- National wetlands inventory map(s). Cite name: FWS Wetland Mapper accessed 02/2022: <https://www.fws.gov/wetlands/wetlands-mapper>; Mapped as PSS/PEM
- State/Local wetland inventory map(s): MOA Wetland Mapper accessed 02/2022; Mapped as Class C Wetlands
- FEMA/FIRM maps: N/A
- 100-year Floodplain Elevation is: N/A (National Geodectic Vertical Datum of 1929)
- Photographs:
  - Aerial (Name & Date): Google Earth Pro 1996, 2014, 2021
  - or  Other (Name & Date): Google Street View 2021, Onsite photos 09/2021
- Previous determination(s). File no. and date of response letter: N/A
- Applicable/supporting case law: N/A
- Applicable/supporting scientific literature: N/A
- Other information (please specify): N/A

**B. ADDITIONAL COMMENTS TO SUPPORT JD:**

The wetland parcel in the review area was mapped as a mix of Palustrine Scrub Shrub and Emergent wetlands on NWI and as Class C wetlands by the Municipality of Anchorage. The soil type was mapped as 424, Icknuun Pete with Hydric soils. The wetland delineation conducted in September of 2021 confirmed the mapping. The wetland polygon in the review area is just a piece of a larger wetland parcel approximately 2.5 acres in size. Drainpipe mapping, Aerial imagery, and Google Street view imagery were used to determine that there was not a surface connection via ditches or pipes from the southeast side of the wetland parcel (out of the review area) to the nearby creek approximately 770 feet to the east.

  
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 Emily Vullo  
 Regulatory Specialist  
 South Section

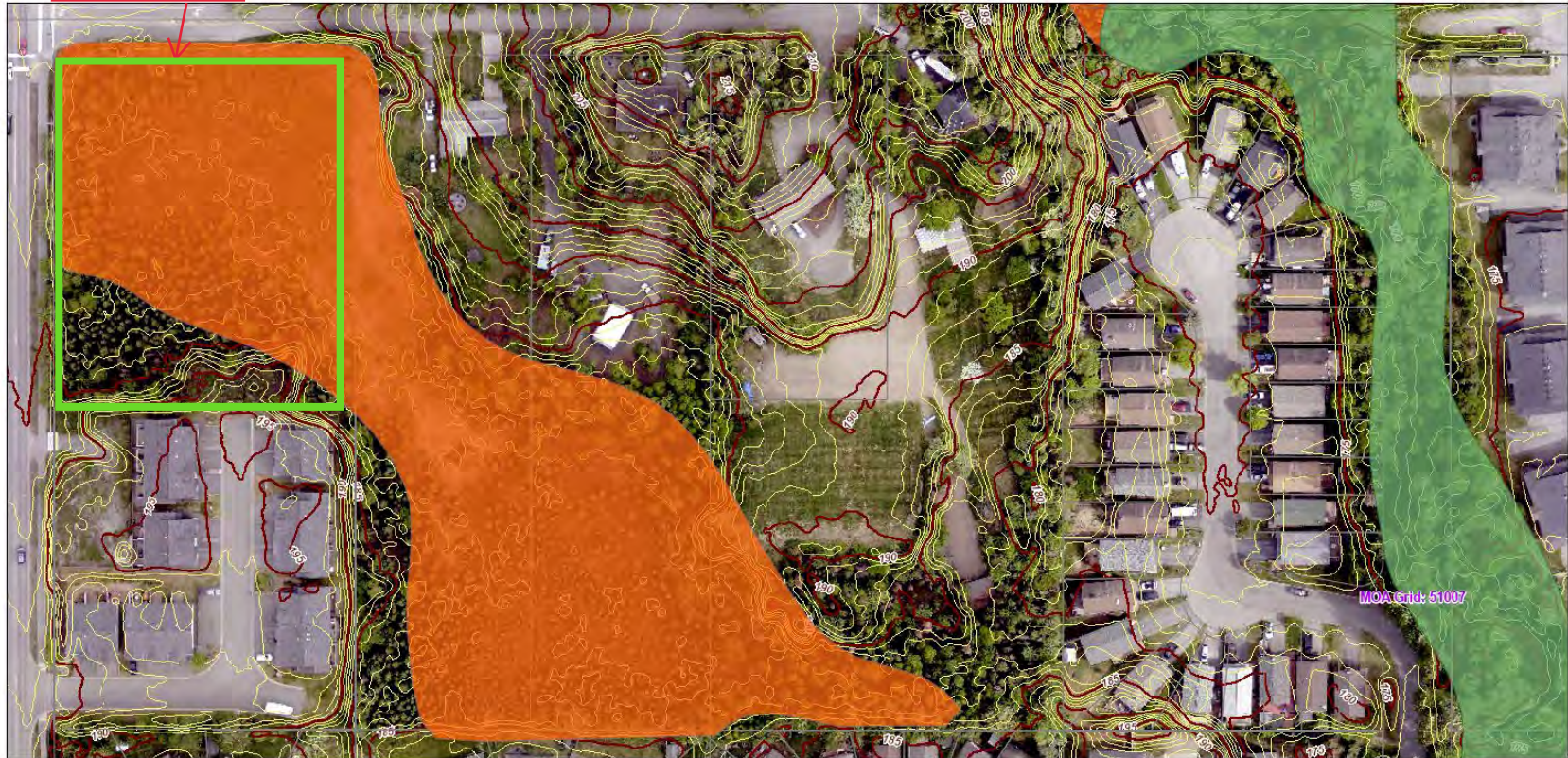
03/07/2022  
 \_\_\_\_\_  
 Date





Review Area

# MOA MapIt! - Lake Otis & Lore



2/7/2022, 2:17:16 PM

Image

Red: Band\_1

Green: Band\_2

Blue: Band\_3

WMS Wetlands

A - High Valuation

C - Low Valuation

Property Information

500 Scale Grid

contours\_1ft\_4

5 ft

1 ft

contours\_1ft\_3

5 ft

1 ft

contours\_1ft\_2

5 ft

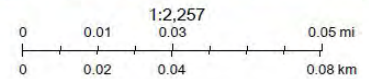
1 ft

contours\_1ft\_1

5 ft

1 ft

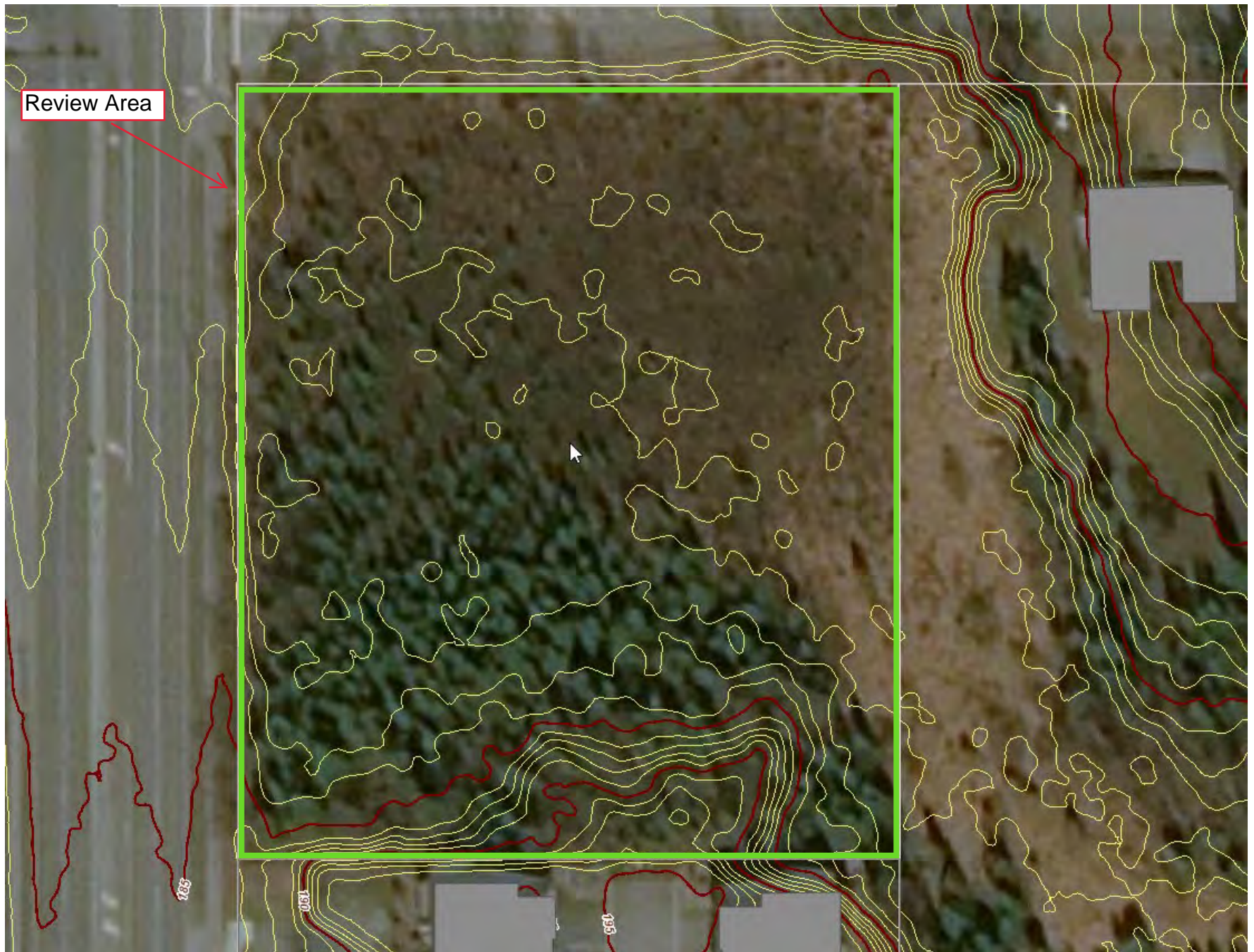
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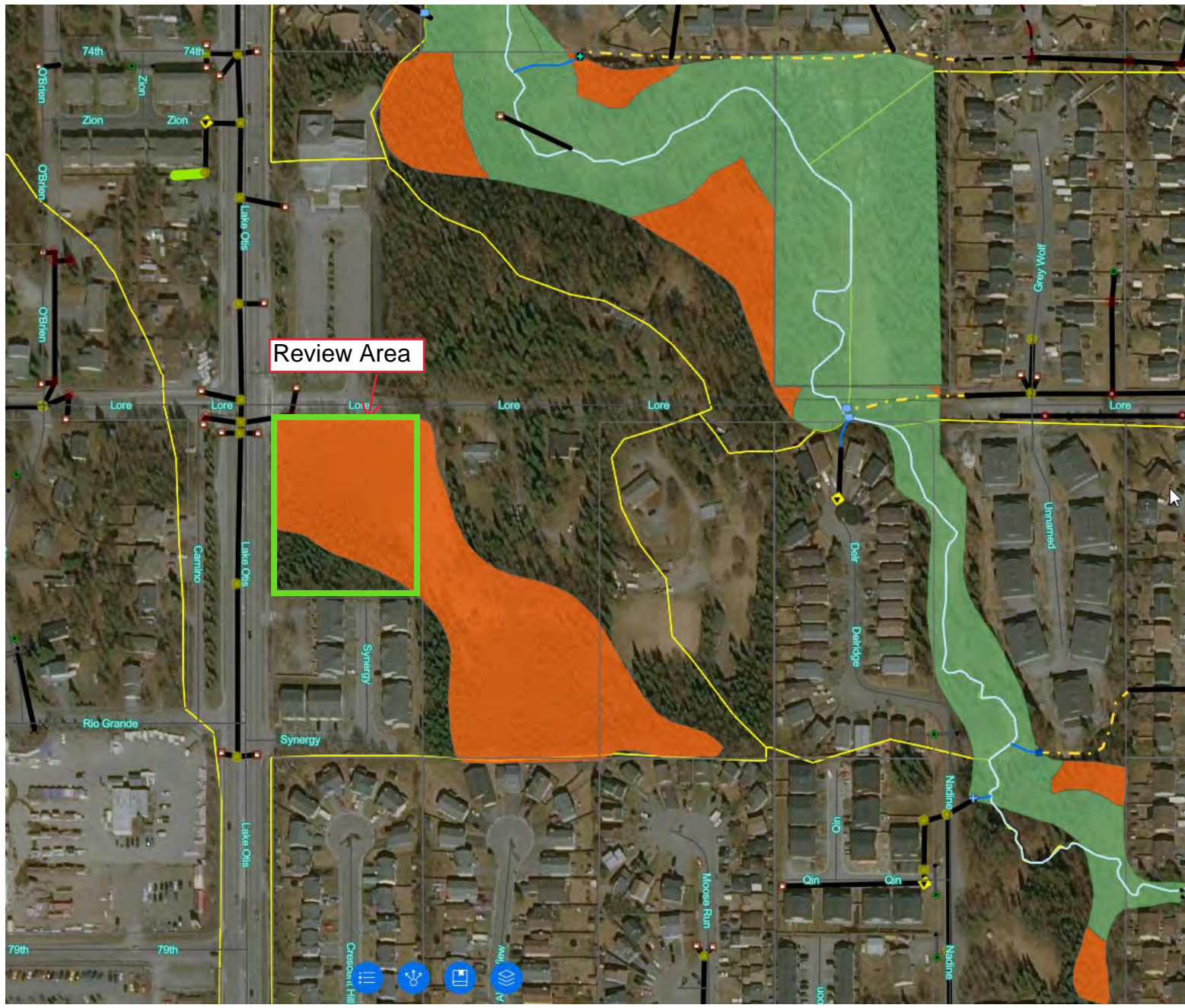
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Matanuska-Sustina Borough GIS, Municipality of Anchorage, State

MOA GDIC  
Matanuska-Sustina Borough GIS, Municipality of Anchorage, State of Alaska, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA |



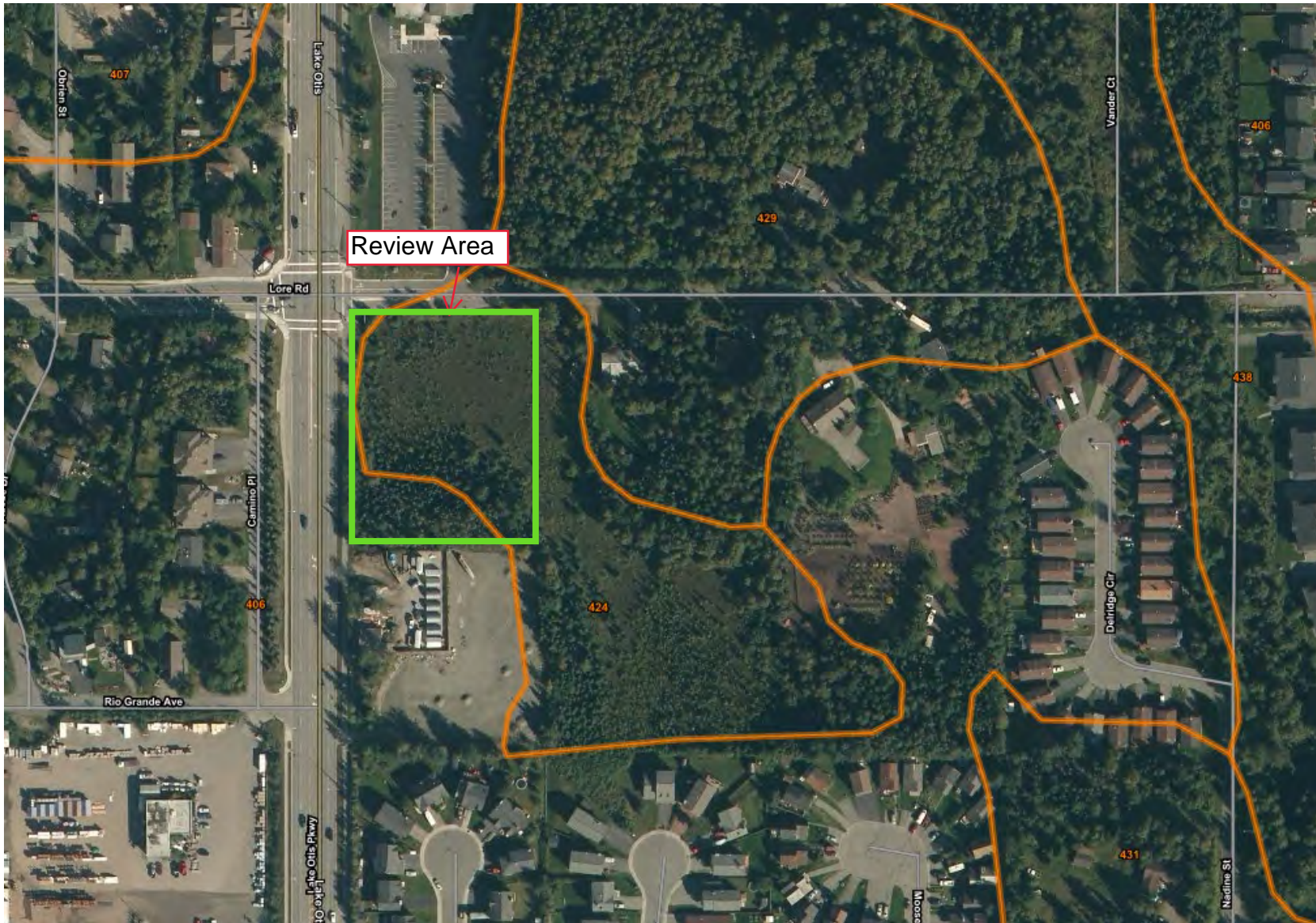






Review Area





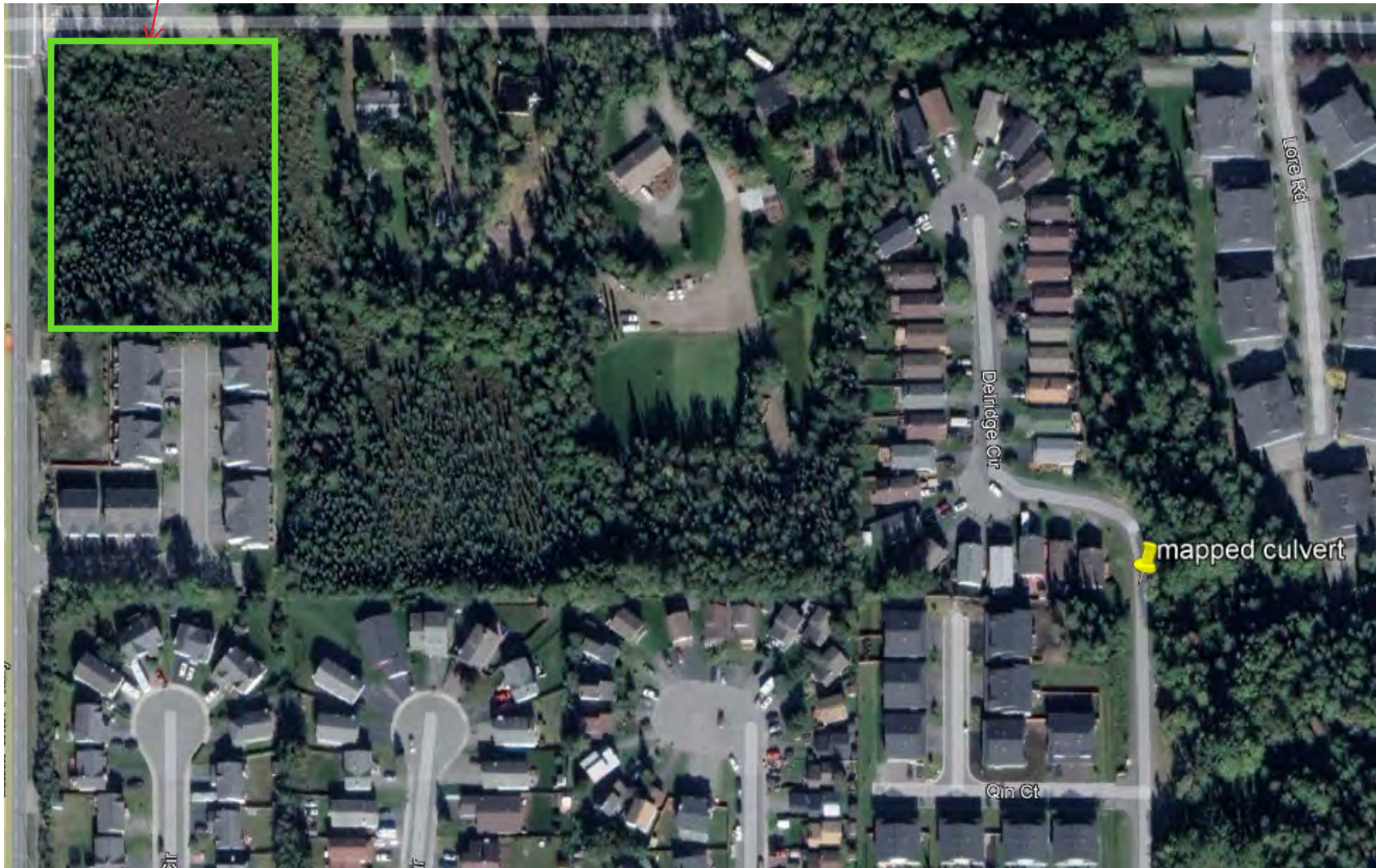




Mapped Culvert shown on mapping



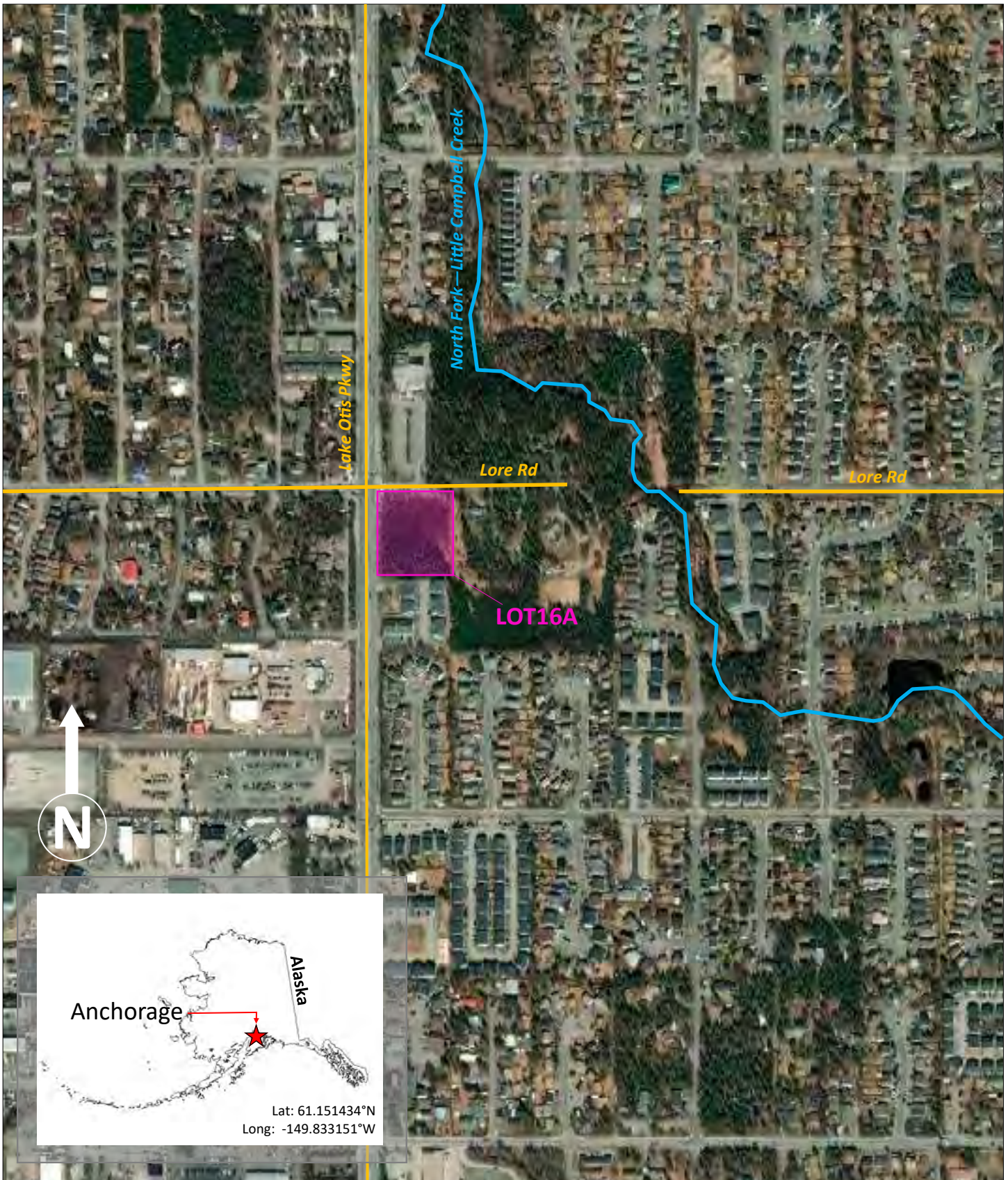
Review Area





Historic Wetland Imagery





**Travis/Peterson Environmental Consulting**  
 3305 Arctic Boulevard, Suite 102  
 Anchorage, AK 99503

# Anchorage, Alaska

**FIGURE 1—VICINITY MAP**  
*(Source: ESRI World Imagery)*  
 Accessed: 9/16/21

Project No: 1689-02A

File: Projects/1689-Triad Engineering/02—Lake Otis & Lore Wetlands

9/16/2021

Scale: 1-inch = 550-feet

