



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

CEPOA-RDS-SS

20 January 2026

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (USACE) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),¹ POA-2023-00292, MFR 1 of 2²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. This AJD did not rely on the 2023 “Revised Definition of ‘Waters of the United States,’” as

¹ While the Supreme Court's decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in this state due to litigation.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).
 - i. Wetland 1 (19.9 acres), jurisdictional under Section 404.
 - ii. Ditch 1 (1,145 linear feet), jurisdictional under Section 404.
 - iii. Little Meadow Creek (334 linear feet), jurisdictional under Section 404.

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008).
- d. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023).

3. REVIEW AREA. The area of review is located in Meadow Lakes, within the Matanuska-Susitna Borough (MSB) and consists of approximately 20 acres. The area of review is bisected by an unauthorized gravel road heading east off of North Overview Drive. The remainder of the area of review is undeveloped land that is predominately forested. The area of review is located within the Cook Inlet ecoregion (USACE 2007). The approximate center of the area of review is located at latitude 61.6222° North, longitude 149.5764° West (North American Datum of 1983) and is found within the Public Land Survey System within Township 18 North, Range 2 West, Section 26 (Seward Meridian). The area of review is within the following 12-digit hydrological unit code (HUC) watershed: 190204010502, Meadow Creek. For a full overview of the site, see MFR 2 of 2 (enclosed).

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS

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CONNECTED. The nearest TNW is Big Lake, which is a Section 10 water under the River and Harbors Act.⁶

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. Wetland 1 directly abuts a relatively permanent water contained in Ditch 1 in the area of review. Ditch 1 flows south through the area of review to Little Meadow Creek through multiple culverts. The provided site visit MFR (USACE 2024) indicates that USACE personnel mapped the continuous surface connection (CSC) between Wetland 1, Ditch 1, and Little Meadow Creek. Little Meadow creek is another RPW that flows southwest into Big Lake, a TNW.
6. SECTION 10 JURISDICTIONAL WATERS⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁸ N/A
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) 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.

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

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- a. TNWs (a)(1): N/A
- b. Interstate Waters (a)(2): N/A
- c. Other Waters (a)(3): N/A
- d. Impoundments (a)(4): N/A
- e. Tributaries (a)(5): Ditch 1, located near the western boundary of the area of review, is a RPW that flows south through various culverts into Little Meadow Creek. Little Meadow Creek flows southwest into Big Lake. Based on field observations, Ditch 1 is characterized as an excavated, permanently flooded, lower perennial riverine habitat with an unconsolidated bottom comprised of organics (R2US4Hx). Due to the presence of water throughout the growing season, Ditch 1 is a RPW that flows consistently throughout the year.

Ditch 1 flows south along the western boundary of the area of review. It is completely contained within Wetland 1 and does not exit the wetland boundary in the area of review. There is a culvert located under the unauthorized road that bisects Wetland 1 that provides a continuous hydrological connection between the northern and southern portions of Wetland 1. Moving further south, the water from Ditch 1 moves from a designated channel to a shallowly flooded area. The flooded area contains a narrow trail with a small culvert under it. The culvert is not adequately sized, which results in water flowing through the culvert as well as over the trail. The trail and culvert do not sever the hydrologic connection between Ditch 1 and Little Meadow Creek.

Ditch 1 is a RPW that contributes flows to a downstream RPW (Little Meadow Creek), which contributes flows to a downstream TNW (Big Lake). Therefore, Ditch 1 is subject to USACE's jurisdiction.

- f. The territorial seas (a)(6): N/A
- g. Adjacent wetlands (a)(7): Wetland 1 is directly abutting and has a CSC to a ditch filled with relatively permanent flows and Little Meadow Creek. Therefore, the wetlands are adjacent to the ditch and Little Meadow Creek. The Web Soil Survey shows that hydric soils are prevalent in the mapped wetland and ditch features and follows the table showing which sampling points has hydric soil indicators in the provided wetland delineation sheets. Wetland 1 comprises of 19.9 acres of palustrine wetlands and contains a manmade ditch (PFO/PSSd).

The MSB Wetland mapper and Web Soil Survey corroborate the findings of the provided wetland delineation MFR 2 of 2.

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁹ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. N/A
- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. N/A
- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*. N/A
- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are

⁹ 51 FR 41217, November 13, 1986.

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non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water). N/A

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

- a. USACE. 2024. Wetland Delineation MFR. Meadow Lakes, AK.
- b. Matanuska-Susitna Borough. 2023. Mat-Su Borough Wetlands Webmap – MOA Wetlands Mapping Tool, <https://msb.maps.arcgis.com/home/item.html?id=cabe52e23dd04999bda0e53d0e909285>, Accessed: June 27, 2025.
- c. United States Department of Agriculture, Natural Resources Conservation Service. 2022. <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, Accessed: June 27, 2025.
- d. U.S. Army Corps of Engineers Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Vicksburg, MS.
- e. U.S. Army Corps of Engineers Environmental Laboratory. 2007. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Alaska Region (Version 2.0). Vicksburg, MS.
- f. U.S. Fish and Wildlife Service. 2023. National Wetlands Inventory website. U.S. Department of the Interior, Fish, and Wildlife Service, Washington, D.C. <http://www.fws.gov/wetlands/>.
- g. U.S. Geological Survey. 2023. National Hydrography Dataset. <https://www.usgs.gov/national-hydrography/national-hydrography-dataset>, Accessed: March 6, 2025.
- h. National Wetland Plant List, Alaska Plant List Version 3.5 (2020). https://cwbi-app.sec.usace.army.mil/nwpl_static/v34/home/home.html.

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement

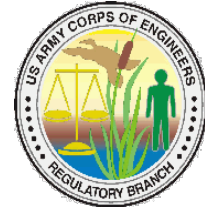
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additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



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MEMORANDUM FOR RECORD
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SUBJECT: POA-2023-00292 Field Inspection Conducted to Support Approved Jurisdictional Determination (AJD) – Wetlands abutting Little Meadow Creek

SUMMARY: On April 11, 2023, Ms. Dayna Rumpfelt, Lavender Survey and Mapping, submitted a request for an AJD for a parcel of approximately 33.8 acres identified as Tax ID 18N02W26A005, Tract A, end of Overview Drive; Meadow Lakes, Alaska. The Corps went to the site on September 23, 2023, but due to the presence of a moose in the area, field work could not be completed. The Corps went again on October 3, 2023, and met on site with Ms. Rumpfelt. Corps field crew included Olivia Ortiz, Hayley Farrer, and Estrella Campellone. On June 10, 2024, another site visit was conducted to confirm the boundary of the wetland. The field crew included Olivia Ortiz, Estrella Campellone, and Sara Johnson.

LOCATION:

The project site is located within Section 26, T 18 N., R 2 W., Seward Meridian; Latitude 61.6222° N., Longitude 149.5764° W.; Matanuska-Susitna Borough, Tract A, Overview Drive, in Meadow Lakes, Alaska.

SOURCE (S):

Aerial Photographs: Google Earth Aerial Imagery: 2024, 2023, 2020, 2019, 2018, 2012, 2011, 2010, and 1985.

Borough Tax Maps: Matsu Borough Viewer

https://mapping.matsugov.us/Html5Viewer/index.html?viewer=MSB_Parcel_Viewer

Corps Wetland Maps: Figure 1. Review Area and Wetland Delineation Map generated by the Corps.

Ground Photographs: Photos produced by the Corps, dated September 23, 2023, and June 10, 2024.

Soil Survey Maps: USDA Websoils

<https://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

NWI Maps: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>

Matanuska-Susitna Borough Wetlands Viewer:

<https://www.arcgis.com/apps/webappviewer/index.html?id=15658472427f459ab6d73b1d3ca5ab77>

Cook Inlet Lowlands: <https://www.kenaiwatershed.org/cook-inlet-wetlands/wetland-types/>

USGS Maps: Anchorage C-7, AK

Other: Memorandum for the Record and wetland determination form produced by the Corps on September 23, 2023, and June 10, 2024.

JURISDICTIONAL DETERMINATION ANALYSIS

Prior to the 2023 site visit, we conducted a desktop analysis and pre-selected one (1) potential sampling point based on aerial imagery vegetation signature. We concluded that additional sampling points would not yield new information because the vegetation signature was similar throughout the area of review. After field work and review of the collected data, we determined that more information was needed to definitively map the boundary of the wetland. Therefore, another desktop analysis was conducted before conducting an additional field visit in 2024; we established three (3) sampling points, and one (1) photo point.

Wetlands (19.9 acres)

Sampling Points:

2023: One (1) sampling point, named 2023 Sampling Point (SP) 1 was established on the west side of the area of review. See Figure 1 (enclosed) for the exact location of 2023 SP 1 and photos 120 and 129. The Mat-Su Borough Wetland Viewer boundary was used as a guide to draw the boundary of Wetland 1, which has since been redrawn and extended (Figure 1).

2024: Three (3) additional sampling points, named 2024 SP 1, SP 3, and SP 4, and one photo point, named PP 2, were established throughout the area of review. See the enclosed maps for the exact locations of the additional sampling points and photos. The acreage (19.9 acres) includes the wetland contained in the area of review, not the entirety of Wetland 1.

The following is a summary of the sampling point wetland determination data sheets, which are attached to this memo:

Sampling	Hydrophytic Vegetation	Hydric Soils	Wetland Hydrology	Presence of Wetlands
2023 SP 1	Yes	Yes	Yes	Yes
2024 SP 1	Yes	Yes	Yes	Yes
PP 2	Yes	Yes	Yes	Yes
SP 3	Yes	Yes	Yes	Yes
SP 4	No	No	No	No

Vegetation:

2023 SP 1 is within a palustrine forested/scrub-shrub wetland predominantly vegetated by Alaska birch (*Betula neoalaskana*-FACU) in the tree stratum; Steven’s meadowsweet (*Spiraea stevenii*-FACU), rusty Labrador tea (*Rhododendron groenlandicum*-FAC), low-bush cranberry (*Vaccinium vitis-idaea*-FAC) in the sapling/shrub stratum; and dwarf bog bunchberry (*Cornus suecica*-FAC), field horsetail (*Equisetum arvense*-FAC), and bluejoint grass (*Calamagrostis canadensis*-FAC) in the herb stratum. The plant community sampled at 2023 SP 1 met both the dominance test and prevalence index. Therefore, hydrophytic vegetation is present at 2023 SP 1.

2024 SP 1 is within a palustrine forested/scrub-shrub wetland predominantly vegetated by Alaska birch (*Betula neoalaskana*-FACU) and white spruce (*Picea glauca*-FACU) in the tree stratum; high-bush cranberry (*Viburnum edule*-FACU), prickly rose (*Rosa acicularis*-FACU), and Alaska birch (*Betula neoalaskana*-FACU) in the sapling/shrub stratum; and field horsetail (*Equisetum arvense*-FAC), and Canadian dwarf dog (*Cornus*

canadensis-FACU) in the herb stratum. The plant community sampled at 2024 SP 1 met the dominance test. Therefore, hydrophytic vegetation is present at 2024 SP 1.

PP 2 is located between the Mat-Su Borough Wetland Mapper identified wetland polygon and 2024 SP 1. The plant community contained black spruce (*Picea mariana*-FACW), field horsetail (*Equisetum arvense*-FAC), and bluejoint grass (*Calamagrostis canadensis*-FAC). Due to the lack of FACU and UPL plant species, we can infer that PP 2 would pass the dominance test and prevalence index. Therefore, hydrophytic vegetation is present at PP 2.

SP 3 is located on the boundary of a palustrine forested/scrub-shrub wetland predominantly vegetated by Alaska birch (*Betula neoalaskana*-FACU) and white spruce (*Picea glauca*-FACU) in the tree stratum; devil's club (*Oplopanax horridus*-FACU) and prickly rose (*Rosa acicularis*-FACU) in the sapling/shrub stratum; and bluejoint grass (*Calamagrostis canadensis*-FAC) and field horsetail (*Equisetum arvense*-FAC) in the herb stratum. The plant community sampled at SP 3 met the dominance test. Therefore, hydrophytic vegetation is present at SP 3.

SP 4 is located outside of the palustrine forested/scrub-shrub wetland. SP 4 is predominantly vegetated by Alaska birch (*Betula neoalaskana*-FACU) and white spruce (*Picea glauca*-FACU) in the tree stratum; devil's club (*Oplopanax horridus*-FACU) and fool's huckleberry (*Menziesia ferruginea*-FACU) in the sapling/shrub stratum; and marsh horsetail (*Equisetum palustre*-FACW), northern oak fern (*Gymnocarpium dryopteris*-FACU), and bluejoint grass (*Calamagrostis canadensis*-FAC) in the herb stratum. The plant community sampled at SP 4 failed both the dominance index test and the prevalence index. Therefore, hydrophytic vegetation is not present at SP 4.

Soils:

Soil types mapped by the Natural Resources Conservation Service as occurring in the area of review are as follows:

Web-soil indicates that the dominant soils in the area of review are (see attached detailed soil descriptions from NRCS websoil):

- 116— Cryaquepts, depressional, 0 to 7 percent slopes located in depressions on outwash plains, depressions on till plains, depressions on hills. The parent material is silty volcanic ash and/or silty loess over gravelly glacial drift and/or loamy outwash. Slightly decomposed plant material within 7 inches below ground surface (bgs) and a mucky gravelly silt loam layer beneath. This soil type is very poorly drained and has very high runoff. It is rated as hydric. Soil 116 makes up approximately 55% (22 acres) of the area of review.
- 216 – Yohn silt loam, rolling, located in till plains. The parent material is sandy eolian deposits and/or silty eolian deposits. Slightly decomposed plant material within 3 inches bgs on top of a 10-inch layer of silt loam. From 10 inches to 35 inches bgs, it is stratified fine sand to silt. From 35 inches to 60 inches bgs is very gravelly loam. This soil type is well drained and has medium runoff. It is not rated as hydric. Soil 216 makes up the remaining 45% (18 acres) of the area of review.

This information is detailed in the attached detailed soil descriptions from NRCS Web Soil Survey.

The soil profile at 2023 SP 1 was characterized by a 10-inch layer of fibric peat with surface water, high water table, and saturation all present at ground level. The soil profile was considered to meet the hydric soil indicator for histic epipedon (A2) because it has at least an 8-inch layer of organics and saturation within 6 inches of ground level.

The soil profile at 2024 SP 1 was characterized by 3-inch layer of organics with surface water present at ground level. A hydrogen sulfide odor was observed when digging the soil pit. Therefore, the soil profile was considered to meet the hydric soil indicator for hydrogen sulfide (A4).

A small hole was dug at PP 2. An α , α' -dipyridyl strip was placed on the soil profile and turned pink, indicating that the soil was hydric. Therefore, the soil profile was considered to meet the requirements for hydric soil.

The soil profile at SP 3 was characterized by a 3-inch layer of organics on top of a 3-inch layer of sandy clay. From 3 inches to 6 inches bgs, the texture was sandy clay with a color of 7.5YR 2.5/1. From 6 inches to 12 inches bgs, the texture was sandy clay with a color of 10YR 4/2. In the remarks section of SP 3's wetland delineation form, it was indicated that 30% of the layer 3 inches to 6 inches bgs comprised of grapefruit-sized cobbles. An α , α' -dipyridyl strip was placed on the soil profile and turned pink, indicating that the soil was hydric. Therefore, the soil profile was considered to meet the requirements for hydric soil.

The soil profile at SP 4 was characterized by a 3.5-inch layer of organics on top of an 11.5-inch layer of sandy soil. From 3.5 inches to 15 inches bgs, the texture was sandy with some clay and had a color of 10YR 3/4. From 15 inches to 20 inches bgs, the texture was pure sand with a color of 10YR 3/3. None of the indicators of hydric soil were met. Therefore, the soil profile was not considered to meet the requirements for hydric soil.

Hydrology:

The Antecedent Precipitation Tool (APT) indicates that the precipitation average in the project vicinity for the 30 days immediately prior to the first field visit on October 10, 2023, was within the normal range (see attached). However, the APT indicates that conditions were wetter than normal in the project vicinity for the 30 days immediately prior to the second field visit on June 10, 2024.

Wetland hydrology was observed in the sampling point, as follows:

2023 SP 1 met hydrology indicators A1 (surface water), A2 (high water table), and A3 (saturation). Surface water was found above ground level. High water table and saturation were found below ground level. 2023 SP 1 met all three wetland criteria and is, therefore, a wetland.

PP 2 met hydrology indicators A1 (surface water), A2 (high water table), and A3 (saturation). Surface water and saturation were found above/at ground level while the water table was found approximately 5 inches bgs. PP 2 met all three wetland criteria and is, therefore, a wetland.

2024 SP 1 met hydrology indicators A1 (surface water), A2 (high water table), and A3 (saturation). Surface water was found at ground level while the water table was found 7

inches bgs and saturation was found 4 inches bgs. 2024 SP 1 met all three wetland criteria and is, therefore, a wetland.

SP 3 met hydrology indicators A2 (high water table) and A3 (saturation). The water table was found 12 inches bgs and saturation was present 7.5 inches bgs. SP 3 met all three wetland criteria and is, therefore, a wetland.

SP 4 did not meet any hydrology indicators. SP 4 did not meet any of the three wetland criteria and, therefore, is not a wetland.

Mat-Su Borough Wetland Classification

The eastern portion of the wetland was delineated by the Mat-Su Borough via the Wetlands Viewer in the Cook Inlet Lowlands. This wetland polygon was identified as a kettle wetland, due to its peat soils and position within a depression created by large ice blocks that has been entrained in glacial till at the end of the last glacial advance.

Wetland 1 is contiguous with other wetlands that extend far offsite. The Corps delineated 2023 SP 1 and later delineated 2024 SP 1, SP 3, and SP 4. The delineated wetlands contain wetland hydrology (A1, A2, and A3) and hydrophytic vegetation, including low-bush cranberry (*Vaccinium vitis-idaea*-FAC), field horsetail (*Equisetum arvense*-FAC), and bluejoint grass (*Calamagrostis canadensis*-FAC). These wetlands are directly abutting and, therefore, provide a continuous surface connection between Wetland 1 and Ditch 1.

Ditch within Wetlands:

A man-made ditch (Ditch 1) measuring approximately 1,145 feet long by 2-3 feet wide is present parallel to Overview Drive, along the west boundary of the area of review. We followed Ditch 1 and found that it reached the intersection of Overview Drive and Airpark Drive, located to the north of the area of review. The presence of flowing water during late September during normal antecedent precipitation indicates that the ditch conveys relatively permanent flows. Ditch 1 is entirely contained within Wetland 1, a jurisdictional wetland.

The ditch appears to hold water at least through the growing season and maintains its hydrology from lateral seepages coming from adjacent wetlands. From Wetland 1, water flows in the ditch and continues to move south through an 18-inch diameter culvert under a road constructed without Corps authorization (See photo 123). The culvert is located at Latitude: 61.6228 °N, Longitude: 149.5787 °W (See photos 4894, 4887, 122, and 4883). Because this ditch carries flow seasonally (for more than 3 months), it has been determined to be a relatively permanent water (RPW).

Farther south in the area of review, the water within the ditch dissipates on the ground where there is no channel. There was standing to slowly flowing water between the end of the ditch and Little Meadow Creek, which was characterized as a palustrine emergent (PEM) wetland. The shallowly flooded/ponded area (PEM wetland) extended tens of feet to the east and south of the wetland boundary near Little Meadow Creek. Before reaching Little Meadow Creek, there is a poorly constructed narrow trail with a small culvert that allows water flows to move under the trail at Latitude: 61.6206° N, Longitude: 149.5785° W (See photo 4885). We also noted water flows moving over the trail because the amount of fill is not sufficient to block water movement towards Little Meadow Creek. Since the narrow trail was constructed on a larger wetland polygon, it

does not sever jurisdiction. The dominance of hydrophytic vegetation and wetland hydrology (surface water, A1), forms a large palustrine wetland continuum (Forested to emergent wetland types) until reaching Little Meadow Creek (See photo 4890). Consequently, we established that the wetlands in the area of review are a large wetland polygon that abuts and is hydrologically connected to Little Meadow Creek.

Based on this analysis, Wetland 1 is jurisdictional because it abuts Little Meadow Creek, a RPW that discharges into Big Lake, a Traditionally Navigable Water. We have also determined that the man-made Ditch 1 is jurisdictional because it was constructed within the larger wetland polygon. The driveway perpendicular to Overview Drive would have required authorization from the Corps because it bisects Wetland 1. The culvert installed at the intersection of the driveway and Overview Drive allows for continuous surface water connection.

Unauthorized Driveway:

In the field, we observed that a driveway had been recently constructed leading east from Overview Drive. Corps' authorization was not provided or verified prior to driveway construction.

The driveway was constructed to access a fill pad on the eastern portion of the area of review. The fill pad is located entirely in uplands outside of the Wetland 1 polygon.

CONCLUSION: Based on the review of the information available to our office and field work conducted on September 23, 2023, and June 10, 2024, as well as analysis provided above, the Corps has made a determination that the 19.9 acres of palustrine wetland contained in the 33.8-acre area of review are a large wetland polygon, including a man-made ditch entirely contained in Wetland 1, that abuts Little Meadow Creek; therefore, they are under Corps regulatory jurisdiction.


Olivia Ortiz
Regulatory Specialist

July 19, 2024
DATE



- Trail
- Little Meadow Creek
- Wetland
- Area of Review

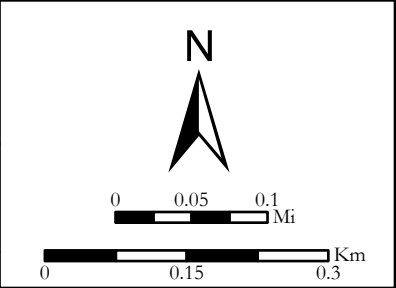


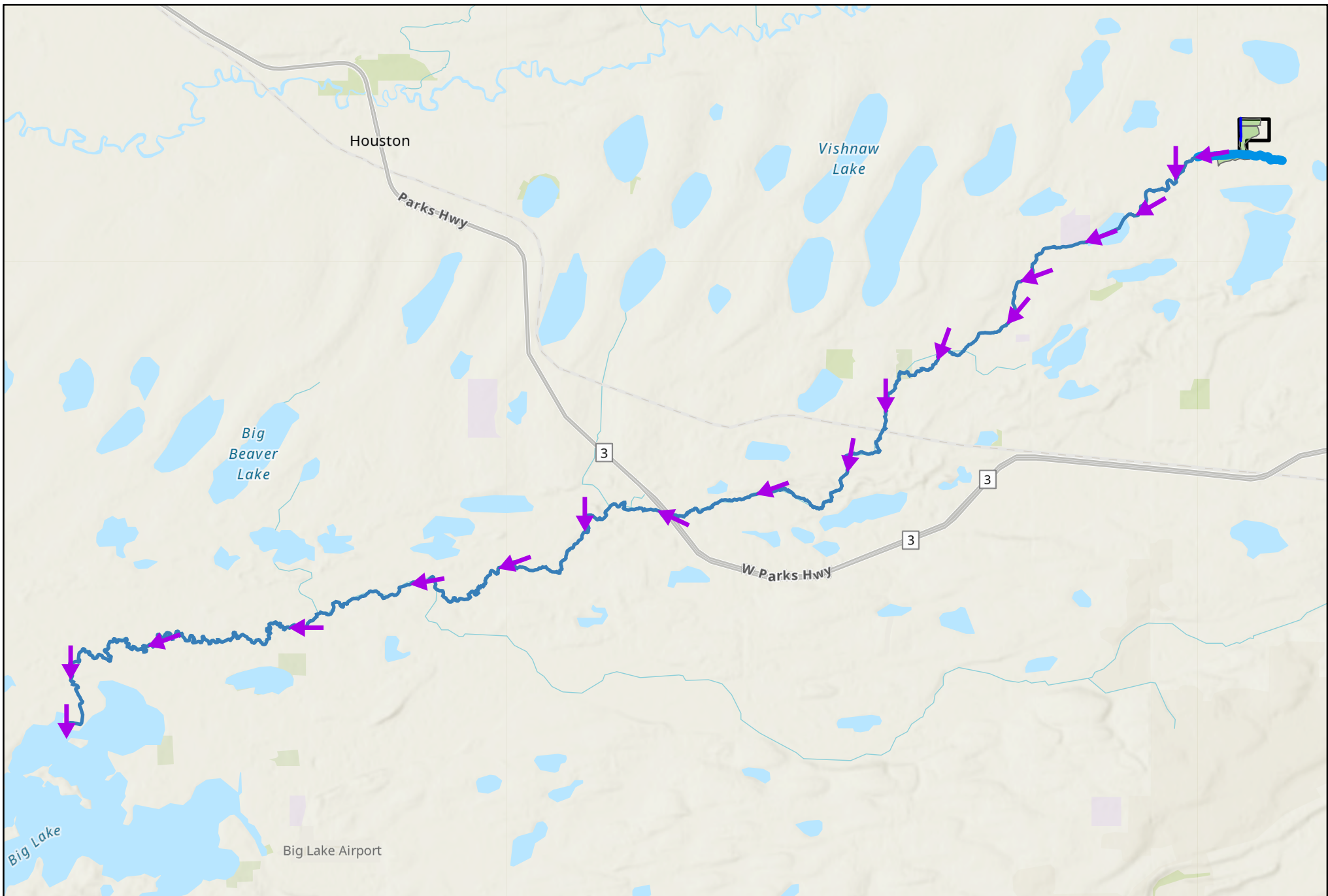
POA-2023-00292 SP Map






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July 2025

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere Scale: 1:8,000






-  Flow Direction
-  Flow Path
-  Wetland
-  Area of Review
-  Little Meadow Creek

POA-2023-00292
Flow Direction

0 1.5 3



Miles

Map Center: 61.5835°N 149.7253°W



Olivia Ortiz

Date: 1/28/2026

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Projection: Mercator Auxiliary Sphere
Datum: WGS 1984
Scale: 1:140,000