

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 16, 2016**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Alaska District, POA- 1993-963-M2**

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

State: Alaska                      Borough: Skagway-Hoonah-Angoon                      City: Elfin Cove  
Latitude 58.1931° N., Longitude 136.3433° W  
Universal Transverse Mercator: 8  
Name of nearest waterbody: Elfin Cove  
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Pacific Ocean  
Name of watershed or Hydrologic Unit Code (HUC): 190102111305

- 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: May 16, 2016
- Field Determination.  
Date(s):

**SECTION II: SUMMARY OF FINDINGS**

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

There are "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
- Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: Elfin Cove and Port Althorp/Cross Sound area has been used for interstate transport and foreign commerce since before Alaska was a territory. The primary trade at the time was for furs. Once Alaska became a territory, commercial fishing became a significant interstate transport and foreign commerce in the Southeastern Alaska Region.

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

There are "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

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

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: 500 square feet

**c. Limits (boundaries) of jurisdiction based on:** Within 3-Mile Baseline

Elevation of established OHWM (if known): Mean High Water Mark +10.0 feet elevation

**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:

**SECTION III: CWA ANALYSIS**

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

**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;**

**1. TNW**

Identify TNW: Pacific Ocean

Summarize rationale supporting determination: Elfin Cove and Port Althorp/Cross Sound area has been used for interstate transport and foreign commerce since before Alaska was a territory. The primary trade at the time was for furs. Once Alaska became a territory, commercial fishing became a significant interstate transport and foreign commerce in the Southeastern Alaska Region.

**2. Wetland adjacent to TNW N/A**

<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.

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

C. SIGNIFICANT NEXUS DETERMINATION N/A

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

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

TNWs: 500 square feet.

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): Not applicable.

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

**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: POA-1993-963 Site plans

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps:

Corps navigable waters' study:

U.S. Geological Survey Hydrologic Atlas:

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: Sitka A-5

USDA Natural Resources Conservation Service Soil Survey. Citation:

National wetlands inventory map(s). Cite name:

State/Local wetland inventory map(s):

FEMA/FIRM maps:

100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

Photographs:  Aerial (Name & Date):

or  Other (Name & Date):

Previous determination(s). File no. and date of response letter:

Applicable/supporting case law:

Applicable/supporting scientific literature:

Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:



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Jamie Hyslop  
Project Manager

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May 16, 2016  
Date