

**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- 2002-0751-M1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alaska Borough: *unincorporated community* City: Elfin Cove
Latitude 58.190158° N., Longitude -136.340567° 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):¹

- 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):²

- 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

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

² 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-2015-0162 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:



Jamie Hyslop
Project Manager

May 16, 2016
Date