

**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):** April 11, 2016

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Alaska District, POA-2003-53, Norton Sound

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

State: Alaska                      Borough: Nome Census Area                      City: Nome  
Center coordinates of site (lat/long in degree decimal format): Lat. 64.4878° N., Long. 165.5843°W.  
Universal Transverse Mercator:  
Name of nearest waterbody: Norton Sound  
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Norton Sound  
Name of watershed or Hydrologic Unit Code (HUC): Safety Sound-Frontal Norton Sound

- 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: April 11, 2016  
 Field Determination.                      Date(s): N/A

**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: Numerous intrastate and foreign vessels continue to transport commerce through Norton Sound.

**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  
 Wetlands adjacent to TNWs  
 Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs  
 Non-RPWs that flow directly or indirectly into TNWs  
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs  
 Impoundments of jurisdictional waters  
 Isolated (interstate or intrastate) waters, including isolated wetlands

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

Non-wetland waters: 22,000 acres.  
Wetlands: 0 acres.

**c. Limits (boundaries) of jurisdiction based on:** Not Established at This Time

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

<sup>2</sup> For purposes of this form an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least “seasonally” (e.g., typically 3 months).

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

**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; 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: Norton Sound

Summarize rationale supporting determination: the water body is subject to the ebb and flow of the tide; the water body is presently used to transport interstate or foreign commerce.

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

This section intentionally not filled out because it is not applicable.

**C. SIGNIFICANT NEXUS DETERMINATION**

This section intentionally not filled out because it is not applicable.

**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: 22,000 acres.

Wetlands adjacent to TNWs: N/A

**2. RPWs that flow directly or indirectly into TNWs.**

This section intentionally not filled out because it is not applicable.

**3. Non-RPWs<sup>4</sup> that flow directly or indirectly into TNWs.**

This section intentionally not filled out because it is not applicable.

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

This section intentionally not filled out because it is not applicable.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

This section intentionally not filled out because it is not applicable.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

This section intentionally not filled out because it is not applicable.

**7. Impoundments of jurisdictional waters.<sup>5</sup>**

This section intentionally not filled out because it is not applicable.

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<sup>3</sup> Supporting documentation is presented in Section III F.

<sup>4</sup> See Footnote #3.

<sup>5</sup> To complete the analysis refer to the key in Section III D.6 of the Instructional Guidebook.

**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>6</sup>**

This section intentionally not filled out because it is not applicable.

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

This section intentionally not filled out because it is not applicable.

**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: Maps and plans were submitted by the applicant through the State's mining website, and are part of the administrative record for this project.
- 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: Quartz Creek-Frontal Norton Sound (HUC 12: 190501042007)
  - 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: Nome B-1
- 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:
- Photographs:  Aerial (Name & Date):
  - Other (Name & Date): Google Earth: July 5, 2012
- Previous determination(s). File no. and date of response letter: POA-2003-53: February 3, 2003.
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** the project area is completely offshore within Norton Sound (TNW) and involves an activity (operation of a floating device in support of dredging/mining) regulated by USACE.

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Jason Brewer  
Regulatory Specialist  
North Section

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April 11, 2016

Date

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<sup>6</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.