

**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):** October 20, 2015

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Alaska District, POA- 2014 - 513

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

State: Alaska                      Borough: Sitka              City: Sitka

Center coordinates of site (lat/long in degree decimal format): Lat. 57.0482 ° N, Long. 135.3194 ° W

Universal Transverse Mercator: 8

Name of nearest waterbody: Crescent Bay

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Gulf of Alaska

Name of watershed or Hydrologic Unit Code (HUC): 190102

- 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: October 20, 2015
- Field Determination. Date(s): [Click here to enter a date.](#), [Click here to enter a date.](#)

**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: The Crescent Bay 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 Sitka.

**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. [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>**

- 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: linear feet: # width (ft) and/or .003 acres.

Wetlands: # acres.

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

Elevation of established OHWM (if known): [Click here to enter text.](#)

**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. Explain: [Click here to enter text.](#)

<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).

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

**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: Crescent Bay

Summarize rationale supporting determination: The Crescent Bay 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 Sitka.

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

Summarize rationale supporting conclusion that wetland is "adjacent": *Click here to enter text.*

**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: .003 acres.

**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): N/A**

**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-2014-513, 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: *Click here to enter text.*

Corps navigable waters' study: *Click here to enter text.*

U.S. Geological Survey Hydrologic Atlas: Sitka A-4

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: *Click here to enter text.*

USDA Natural Resources Conservation Service Soil Survey. Citation: *Click here to enter text.*

National wetlands inventory map(s). Cite name: *Click here to enter text.*

State/Local wetland inventory map(s): *Click here to enter text.*

FEMA/FIRM maps: *Click here to enter text.*

100-year Floodplain Elevation is: *Click here to enter text.* (National Geodectic Vertical Datum of 1929)

Photographs:  Aerial (Name & Date): *Click here to enter text.*

or  Other (Name & Date): *Click here to enter text.*

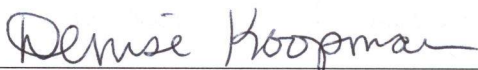
Previous determination(s). File no. and date of response letter: *Click here to enter text.*

Applicable/supporting case law: *Click here to enter text.*

Applicable/supporting scientific literature: *Click here to enter text.*

Other information (please specify): *Click here to enter text.*

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** *Click here to enter text.*



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October 20, 2015  
Date

<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 Act Jurisdiction Following Rapanos.