

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): September 26, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Alaska District, POA-2016-471

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alaska Borough: Dillingham Census Area City: Manakotak
Center coordinates of site (lat/long in degree decimal format): Lat. 58.9809 ° N., Long. 159.05615 °W.
Universal Transverse Mercator: 4
Name of nearest waterbody: Igushik River
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Igushik River
Name of watershed or Hydrologic Unit Code (HUC): Nushagak Bay

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: September 26, 2016

Field Determination. Date(s): July 23, 2016

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "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: N/A

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are not "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):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (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

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

² 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).

- b. Identify (estimate) size of waters of the U.S. in the review area:**
 Non-wetland waters: 0 linear feet.
 Wetlands: 0 acres.
- c. Limits (boundaries) of jurisdiction based on:** 1987 Delineation Manual

Elevation of established OHWM (if known): N/A

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: There are three drainage ditches throughout the study area. However, these drainage ditches do not drain wetlands, are not relatively permanent, and do not have a defined bed and bank.

SECTION III: CWA ANALYSIS

Note: Section III has been omitted due to inapplicability.

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: Bristol Engineering Services Corporation conducted a wetland delineation report, "Wetland Delineation Report Second and Third Street Rehabilitation Project Manokotak, Alaska", on August 30, 2016
- 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: Igushik River Watershed
 - 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: AK-NUSHAGAK BAY D-4
- USDA Natural Resources Conservation Service Soil Survey. Citation: s9273 and s9429
- 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): (Manokotak Community map, 2003)
 - or Other (Name & Date): Site photos from wetland delineation provided from the contractor
- Previous determination(s). File no. and date of response letter: POA-2000-857, POA-2003-366
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: All three parameters have not been met. The Native Village of Manokotak is located at the toe-of-slope of the Acorn Mountain, and exhibits sheet flow. Within the Village, drainage ditches have formed where heavy foot and vehicular traffic has occurred and/or where culverts have been installed. However, these drainage ditches don't have a discernable bed and bank (OHWM), are not relatively permanent, don't drain any wetlands, and do not contain the soil, vegetation, and hydrology characteristics to be considered wetlands. Therefore, these drainage ditches have been determined to be upland drainage features.

³ Supporting documentation is presented in Section III F.

Jeremy Grauf
Regulatory Specialist
NORTH Section

September 27, 2016
Date