

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 10/5/2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Alaska District, POA-2016-472

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alaska Borough: Dillingham Census Area City: Dillingham
Center coordinates of site (lat/long in degree decimal format): Lat. 59.0621° N., Long. 158.4997°W.
Name of nearest waterbody: Nushagak River
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Nushagak River
Name of watershed or Hydrologic Unit Code (HUC): 1903030311 Little Muklung River-Nushagak River

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: October 5, 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.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

Not applicable.

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

Not applicable.

C. SIGNIFICANT NEXUS DETERMINATION

Not applicable.

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

Not applicable.

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):¹

Not applicable.

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

Potential wetlands were assessed in the review area and did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

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):

¹ 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*.

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Plat Map 97-15 Dillingham Census Area (with hand drawn project area and locations of 2 test holes); undated imagery from <http://alaskamapped.org/ortho> – with hand drawn project area
- 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: Little Muklung River-Nushagak River
 - 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: Dillingham A-7
- USDA Natural Resources Conservation Service Soil Survey. Citation: *Natural Resources Conservation Service (NRCS). 2016. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>. Bristol Bay-Northern Alaska Peninsula, North and Bordering Areas; accessed: October 5, 2016.*
- National wetlands inventory map(s). Cite name: *USFWS Wetlands Mapper2: Lower Cook Inlet Bristol Bay, Alaska; accessed October 5, 2016 (date range of imagery 7/1980, 8/1982, 8/1983).*
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- Photographs:
 - Aerial (Name & Date): Bing May 2006; Suitsuite imagery (default is Bing 2006) – bdl (date unknown); Digital Globe: July 17, 2016, June 15, 2016, September 22, 2014, July 4, 2014, and May 23, 2014
 - or Other (Name & Date): BBHA submitted 12 useful photos of vegetation and two test pits (later they supplied the coordinates for these photos and one site was in the white spruce closed forest and the other was in the more open sites dominated by deciduous mid- and overstory vegetation).
- 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: POA-2007-1809 had approved JD. One part of project POA-2007-1809 is less than 1,000 feet south of the Lot for this (POA-2016-472) JD. POA-2007-1809 has fairly similar habitat (with the exception that it does not contain the small openings/inclusions), elevation, and topography. Following a site visit to the POA-2007-1809 project in 2008, the Corps reversed an earlier preliminary jurisdictional determination and found the site was uplands.

Jason Brewer
Regulatory Specialist
North Section

November 2, 2016

Date