

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

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 31, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Alaska District, POA-2017-185

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alaska Borough: Municipality of Anchorage City: Indian
Center coordinates of site (lat/long in degree decimal format): Lat. 60.9890 ° N., Long. 149.5160 °W.
Universal Transverse Mercator: World Geodetic System 1984
Name of nearest waterbody: Turnagain Arm
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Turnagain Arm
Name of watershed or Hydrologic Unit Code (HUC): Glacier Creek-Frontal Turnagain Arm 1902030207

- 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:

- Office (Desk) Determination. Date:
- Field Determination. Date(s): May 26, 2017

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.

- 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:

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:

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters (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: Unnamed Stream_1: 76 linear feet: varies 2-5 width (ft) and Unnamed Stream_2: 426 linear feet: varies 2-5 width (ft).

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual and established by the bed and bank of the unnamed streams

Elevation of established OHWM (if known):

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

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; 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:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”:

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

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

TNWs: linear feet width (ft), Or, acres.

Wetlands adjacent to TNWs: acres.

2. RPWs that flow directly or indirectly into TNWs.

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:

Stream 1 is snow pack, precipitation, surface and ground water fed from the nearby mountains and valley. Stream 1 was channeled by a culvert adjacent to the review area and before it begins to naturally flow and meander within and south of the review area. Stream 1 was viewed ≈200' north of the review area during delineation for POA-2016-216 with well-defined bed and banks, consolidated bottom, natural meanders, and little to no leaf litter within the stream.

Stream 2 is ground water fed and exits the ground ≈50' north of the review area with a shallow water table up to 15' away from the stream. Stream 2 had several braided areas due to sediment build up on tree (*Betula neolaskana*) roots within the stream channel, several of the braided areas had misc. other vegetation growing on the built up sediments.

Stream 1 or 2 had little to no accumulated leaf litter within the main stream channels and only minor leaf litter behind obstructions. Stream 2 had black leaf litter within some of the smaller pooled areas before resuming well consolidated bottoms with little to no leaf litter. Both streams had well consolidated bottoms with little to no vegetation within the well-formed and continuous banks within the review area.

Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area:

- Tributary waters: linear feet width (ft).
 - Other non-wetland waters: acres.
- Identify type(s) of waters:

3. Non-RPWs that flow directly or indirectly into TNWs.

Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area:

- Tributary waters: linear feet width (ft).
 - Other non-wetland waters: acres.
- Identify type(s) of waters:

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

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

 - Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

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

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

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

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

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: N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: N/A

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD:

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- 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: Data sheets 1-4 dated May 26, 2017
- 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:
- USDA Natural Resources Conservation Service Soil Survey. Citation: accessed May 25, 2017, no data available
- National wetlands inventory map(s). Cite name: Accessed May 25, 2017, uplands
- State/Local wetland inventory map(s): Municipality of Anchorage Wetland Management Plan: Accessed May 25, 2017, Class A wetlands and 2 unnamed streams
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
or Other (Name & Date): Applicant supplied photos 1-5 dated May 5, 2017, and site photos 1-4 dated May 26, 2017
- 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: