

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 20 Sept 2017

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Alaska District, POA-2017-396

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

State: Alaska                      Borough: Valdez-Cordova                      City: Cordova  
Center coordinates of site (lat/long in degree decimal format): Lat. 60.5248° N., Long. 145.6274°W.  
Universal Transverse Mercator: 6V  
Name of nearest waterbody: Unnamed Pond  
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Eyak River  
Name of watershed or Hydrologic Unit Code (HUC): 190201041605 Eyak River-Frontal Gulf of Alaska

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: 15 Sept 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.

**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):**

- 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: 1975 linear feet and 8 acres.  
Wetlands: 16 acres.

**c. Limits (boundaries) of jurisdiction based on:** 1987 Delineation Manual, Established by the OHWM  
Elevation of established OHWM: TEXT

**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.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

**1. TNW**

Identify TNW: TEXT

Summarize rationale supporting determination: TEXT

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent": TEXT

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

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

Watershed size: 105202.47 acres

Drainage area: TEXT

Average annual rainfall: .49 inches

Average annual snowfall: .3 inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

Tributary 2 flows directly into TNW.

Tributary 1 flows through 1 tributary before entering TNW.

Tributary 3 flows through 1 tributary before entering TNW.

Tributary 4 flows through 1 tributary before entering TNW.

Project waters are 1.236 river miles from TNW.

Project waters are 0 river miles from RPW.

Project waters are 1.061 aerial (straight) miles from TNW.

Project waters are 0 aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: N/A

Identify flow route to TNW: Tributary 1 is labeled as NHD flowline 615116 and flows into Currin Slough and then into Eyak River. Tributary 2 is labeled as Currin Slough and flows directly into Eyak River. Tributary 3 is labeled as NHD flowline 413405 and flows into NHD flowline 525598 and then flows into Eyak River. Tributary 4 mapped as anadromous water 212-10-10050-2190-3011 flows into NHD flowline 525598 and then flows into Eyak River.

Tributary stream order, if known: TEXT

**(b) General Tributary Characteristics (check all that apply):**

**Tributary is:**  Natural

Artificial (man-made). Explain: TEXT

Manipulated (man-altered). Explain: TEXT

**Tributary properties with respect to top of bank (estimate):**

Average width: # feet

Average depth: # feet

Average side slopes: Choose an item.

**Primary tributary substrate composition (check all that apply):**

Silts  Sands  Concrete

Cobbles  Gravel  Muck

- Bedrock
- Vegetation. Type/% cover: TEXT
- Other. Explain: TEXT

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: TEXT  
 Presence of run/riffle/pool complexes. Explain: TEXT  
 Tributary geometry: CHOOSE: Relatively Straight/Meandering  
 Tributary gradient (approximate average slope): #%

(c) Flow:

Tributary provides for: CHOOSE: Seasonal Flow/Intermittent but not Seasonal Flow/Ephemeral Flow  
 Estimate average number of flow events in review area/year: CHOOSE: Enter # or 20 (or greater)

Describe flow regime: TEXT

Other information on duration and volume: TEXT

Surface flow is: CHOOSE: Discrete/Confined/Discrete and Confined/Overland Sheetflow Characteristics:

Subsurface flow: CHOOSE: Yes/No/Unknown Explain findings: TEXT

Dye (or other) test performed: TEXT

Tributary has (check all that apply):

Bed and banks

OHWM (check all indicators that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris          |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> destruction of terrestrial vegetation      |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> the presence of wrack line                 |
| <input type="checkbox"/> vegetation matted down, bent, or absent   | <input type="checkbox"/> sediment sorting                           |
| <input type="checkbox"/> leaf litter disturbed or washed away      | <input type="checkbox"/> scour                                      |
| <input type="checkbox"/> sediment deposition                       | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining                            | <input type="checkbox"/> abrupt change in plant community TEXT      |
| <input type="checkbox"/> other (list): TEXT                        |   |
| <input type="checkbox"/> Discontinuous OHWM. Explain: TEXT         |   |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by:              | <input type="checkbox"/> Mean High Water Mark indicated by:            |
| <input type="checkbox"/> oil or scum line along shore objects      | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |  |
| <input type="checkbox"/> other (list): TEXT                        |  |

**(iii) Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: TEXT

Identify specific pollutants, if known: TEXT

**(iv) Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): TEXT
- Wetland fringe. Characteristics: TEXT
- Habitat for:
  - Federally Listed species. Explain findings: TEXT
  - Fish/spawn areas. Explain findings: Coho salmon (rearing)
  - Other environmentally-sensitive species. Explain findings: TEXT
  - Aquatic/wildlife diversity. Explain findings: TEXT

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: # acres

Wetland type. Explain: TEXT

Wetland quality. Explain: TEXT

Project wetlands cross or serve as state boundaries. Explain: TEXT

(b) General Flow Relationship with Non-TNW:

Flow is: Choose an item. Explain: TEXT

Surface flow is: CHOOSE: Discrete/Confined/Discrete and Confined/Overland Sheetflow

Characteristics: TEXT

Subsurface flow: CHOOSE: Yes/No/Unknown Explain findings: TEXT

Dye (or other) test performed: TEXT

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: TEXT

Ecological connection. Explain: TEXT

Separated by berm/barrier. Explain: TEXT

(d) Proximity (Relationship) to TNW

Project wetlands are 1.236 river miles from TNW

Project waters are 1.061 aerial (straight) miles from TNW.

Flow is from: Wetland to Navigable Water

Estimate approximate location of wetland as within the CHOOSE: Enter # or 500-year or greater. floodplain.

**(ii) Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: TEXT

Identify specific pollutants, if known: TEXT

**(iii) Biological Characteristics. Wetland supports (check all that apply):**

Riparian buffer. Characteristics (type, average width): TEXT

Vegetation type/percent cover. Explain: TEXT

Habitat for:

Federally Listed species. Explain findings: TEXT

Fish/spawn areas. Explain findings: TEXT

Other environmentally-sensitive species. Explain findings: TEXT

Aquatic/wildlife diversity. Explain findings: TEXT

**3. Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: 2

Approximately (#) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Y	12	Y/N	#
Y	4	Y/N	#
Y/N	#	Y/N	#

### C. SIGNIFICANT NEXUS DETERMINATION

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: TEXT
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: TEXT
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: TEXT

### 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: # 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: Tributaries are mapped as perennial on NDH
- 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: TEXT

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: 1975 linear feet
- Other non-wetland waters: 8 acres.

Identify type(s) of waters: RPW-Unnamed Pond

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 (check all that apply):

- Tributary waters: # linear feet # width (ft).
- Other non-wetland waters: # acres.

Identify type(s) of waters: TEXT

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: Wetland is shown on aerial images based on vegetation as directly abutting RPW. The wetlands are also mapped as wet by NWI

- 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: TEXT

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 (CHECK ALL THAT APPLY):**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: TEXT
- Other factors. Explain: TEXT

**Identify water body and summarize rationale supporting determination:** TEXT

Provide estimates for jurisdictional waters in the review area (check all that apply):

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

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

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: TEXT
- Other: (explain, if not covered above): TEXT

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- Lakes/ponds: # acres.
- Other non-wetland waters: # acres. List type of aquatic resource: TEXT
- Wetlands: # acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- Lakes/ponds: # acres.
- Other non-wetland waters: # acres. List type of aquatic resource: TEXT
- Wetlands: # acres.







**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):**

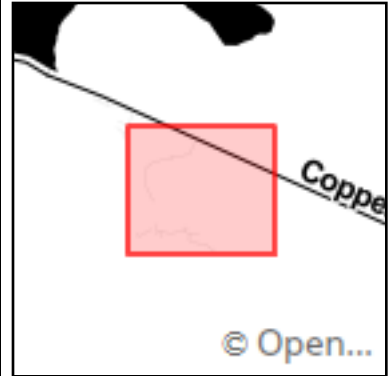
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
  - Data sheets prepared/submitted by or on behalf of the applicant/consultant.
    - Office concurs with data sheets/delineation report.
    - Office does not concur with data sheets/delineation report.
  - Data sheets prepared by the Corps: TEXT
  - Corps navigable waters’ study: TEXT
- 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: TEXT
- USDA Natural Resources Conservation Service Soil Survey. Citation: No Soil Surveys Done in Area Accessed 8/30/17
- National wetlands inventory map(s). Cite name: <https://www.fws.gov/wetlands/Data/Mapper.html> Accessed 8/30/17
- State/Local wetland inventory map(s): TEXT
- FEMA/FIRM maps: TEXT
- 100-year Floodplain Elevation is: TEXT (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Bing Aerial Imagery 2013, Google Aerial Imagery 2009  
or  Other (Name & Date): Applicant Provided On-Ground Photos 2017
- Previous determination(s). File no. and date of response letter: TEXT
- Applicable/supporting case law: TEXT
- Applicable/supporting scientific literature: TEXT
- Other information (please specify): TEXT



### LEGEND

-  Review Area
-  Uplands
-  Water of the US
-  Tributary
-  Wetland
-  Pond

For Planning Purposes Only



**US Army Corps of Engineers**  
 This map was produced using the  
 SimSuite web application on:  
 20 Sep 2017 @ 1101

250 mi