

## **APPENDIX C**

### **Wetland Report, United States Army Corps of Engineers Jurisdictional Determination**

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Project # 53577



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, ALASKA  
REGULATORY DIVISION  
P.O. BOX 6898  
ELMENDORF AFB, ALASKA 99506-0898

per attached  
phone record  
★ Date 1/23/09  
Proj # 53577  
Preliminary Design & Construction  
McCULLOCH  
NICKESON  
BOYDSTON  
Project File (2)

Regulatory Division  
POA-2006-741

Mr. Bill Ballard  
Alaska Department of Transportation  
P.O. Box 196900  
Anchorage, Alaska 99519-6900

Dear Mr. Ballard:

We have reviewed the *Wetlands Delineation, Functions and Values Assessment, Vegetation Classification, and Wildlife Habitat Assessment*, February 2008, document prepared by DOWL Engineers (DOWL). The document contains preliminary jurisdictional determinations for the Alaska Department of Transportation and Public Facilities (ADOT&PF) Seward Highway, Bird to Indian MP 99 to MP 105 Project (DOT&PF Project No. 53577).

Based on our review of the information you furnished, information available to us, and our onsite inspections, we concur with the ADOT&PF's determination that the waters of the U.S., including wetlands, identified within the revised study area are under the Corps' regulatory jurisdiction.

Therefore, DA authorization is required if the ADOT&PF proposes to place dredged and/or fill material into the identified waters of the U.S., including wetlands, and/or perform work in navigable waters of the U.S.

Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344). The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the U.S. (33 U.S.C. 403). Section 10 waters are those waters subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or other waters identified by the Alaska District.

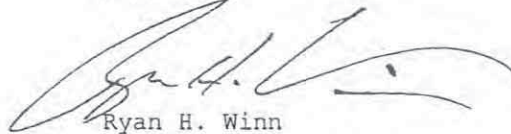
This approved jurisdictional determination is valid for five (5) years from the date of this letter, unless new information supporting a revision is provided to us before the expiration date. Enclosed is a Notification of Administrative Appeal Options and Process and Request for Appeal form (see section titled "Approved Jurisdictional Determination").

1-23-09

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

You may contact me via email at [ryan.h.winn@poa02.usace.army.mil](mailto:ryan.h.winn@poa02.usace.army.mil), by mail at the address above, or by phone at (907) 753-2745, if you have questions. For additional information about our Regulatory Program, visit our web site at [www.poa.usace.army.mil/reg](http://www.poa.usace.army.mil/reg).

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan H. Winn". The signature is fluid and cursive, with a large initial "R" and "W".


Ryan H. Winn  
Project Manager

Enclosure

# TELEPHONE RECORD

# State of Alaska

Department of Transportation and Public Facilities  
Central Region Design and Engineering Services  
Preliminary Design and Environmental

Date:	2-24-2009	Time:	5:00pm
To <input type="checkbox"/> From <input checked="" type="checkbox"/>	Ryan Winn, Project Manager	Phone:	753-2745
Representing:	ACOE	Location:	Anchorage
To <input checked="" type="checkbox"/> From <input type="checkbox"/>	Mark Boydston  Environmental Impact Analyst II, PD&E	Project Name:	Seward Highway MP 99-105
Subject:	POA-2006-741: No date on Jurisdictional Determination (JD) letter from Ryan Winn	Project No.:	53577

Ryan Winn left a message on the above date which said that he could not find the original JD letter. [The JD letter the Department received on January 23, 2009 was not dated.] Ryan said the Department could use the date of receiving this letter – namely January 23, 2009 – as the date from which the JD is valid for five (5) years.

This telephone record confirms that the Department will use January 23, 2009 as the date from which the JD will be valid for 5 years for the subject project.

cc: Kristen Hansen, Environmental Project Manager, DOWL  
Miriam McCulloch, P.E., Project Manager, PD&E  
Burrell Nickeson, Environmental Team Leader, PD&E

### **Summary of Changes in Project Scope**

The Seward Highway Milepost (MP) 99 to MP 105: Bird to Indian project was originally evaluated as an Environmental Assessment (EA) with 3 design alternatives: (1) No-Action Alternative; (2) resurfacing, restoration, and rehabilitation (3R) with Passing Lanes Alternative; and (3) Passing Lanes and Frontage Road Alternative. During the early planning process, rerouting the road into Turnagain Arm was discussed, but was ruled out due to cost and environmental concerns. The attached technical report may discuss multiple alternatives. However, the Categorical Exclusion (CE) document only relates to Alternative 2, 3R with Passing Lanes, which is the proposed design that is being carried forward. It is anticipated that there has been no change in the built and natural environment since the attached study was completed.