

## **APPENDIX D**

### **Preliminary Jurisdictional Determination**

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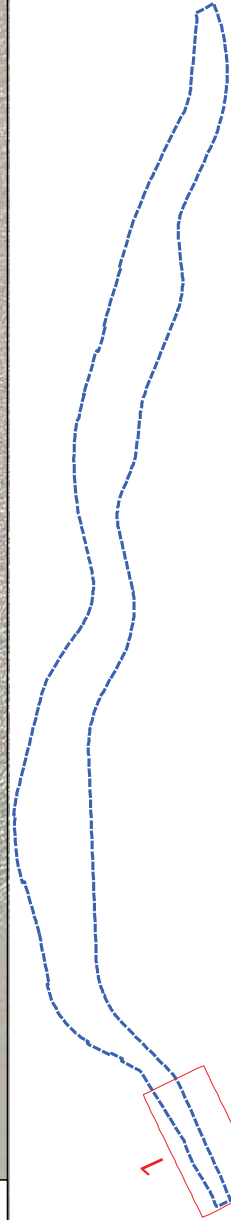


Seward Highway MP 99-105  
Wetland Delineation  
Figure 5a: Review Areas

DOT & PF Project No. 53577

Scale: 1:2400  
Dec 6, 2007

W.O. D59207D  
Filename :Figure 5a.mxd







Seward Highway MP 99-105  
Wetland Delineation  
Figure 5b: Wetland Types

DOT & PF Project No. 53577

Scale: 1:2400  
Oct 8, 2007

W.O. D59207D  
Filename: Figure 5b.mxd





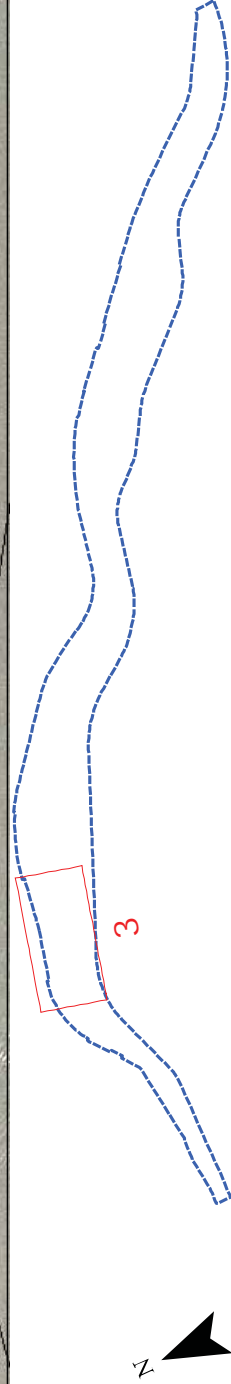


Seward Highway MP 99-105  
Wetland Delineation  
Figure 5c: Review Areas

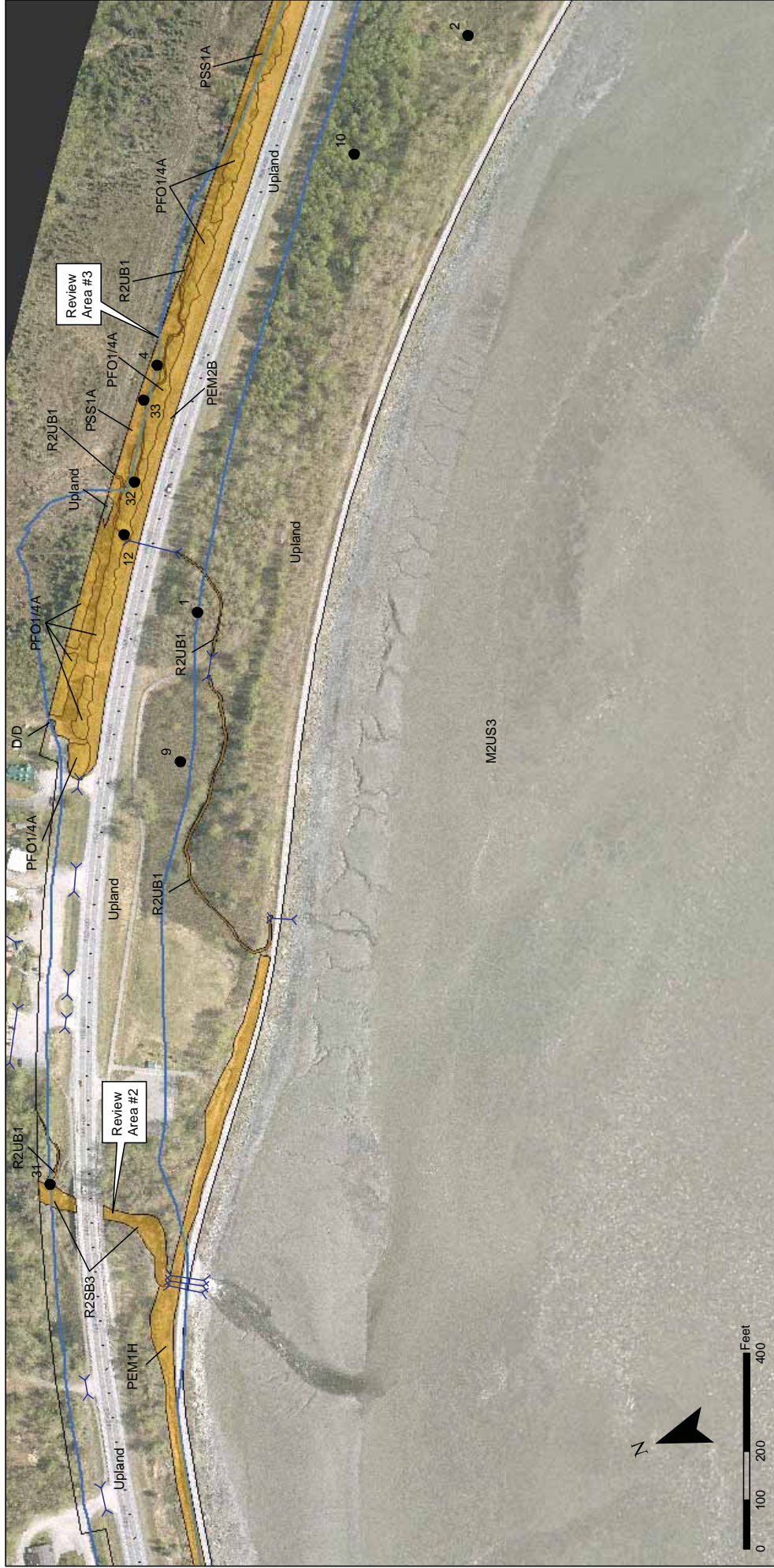
DOT & PF Project No. 53577

Scale: 1:2400  
Dec 6, 2007

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DOT &amp; PF Project No. 53577

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This aerial map illustrates the proposed route for the Gulfport to Ocean Springs Expressway, showing stationing from 17,240+00 to 20,940+00. The route is highlighted in yellow and passes through various project areas labeled PSSIA, PEM2B, PEM1H, and MZUS3. A callout box identifies 'Review Area #3' near station 17,840+00. The map also shows existing infrastructure, including a highway with stationing from 18,840+00 to 20,940+00, and surrounding terrain with labels for 'Upland' and 'M2US3'. A north arrow and a scale bar (0 to 400 feet) are located in the bottom right corner.

DOT &amp; PF Project No. 53577

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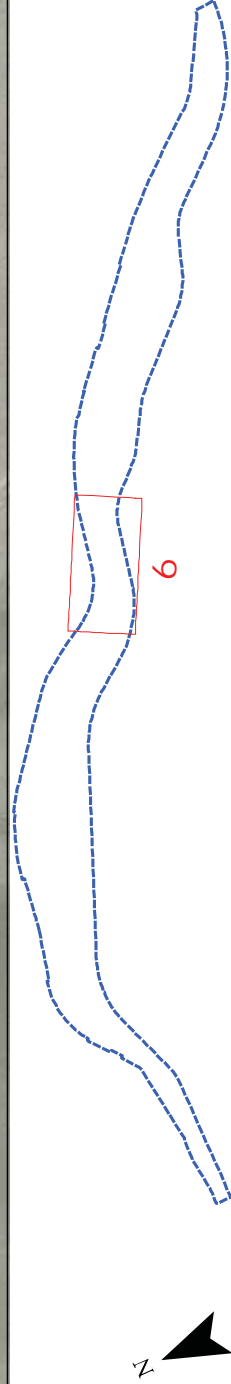


Seward Highway MP 99-105  
Wetland Delineation  
Figure 5f: Review Areas

DOT & PF Project No. 53577

Scale: 1:2400  
Dec 6, 2007

W.O. D59207D  
Filename :Figure\_5f.mxd





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Seward Highway MP 99-105  
Wetland Delineation  
Figure 5g: Review Areas

DOT & PF Project No. 53577

Scale: 1:2400  
Dec 6, 2007

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Filename: Figure\_5g.mxd





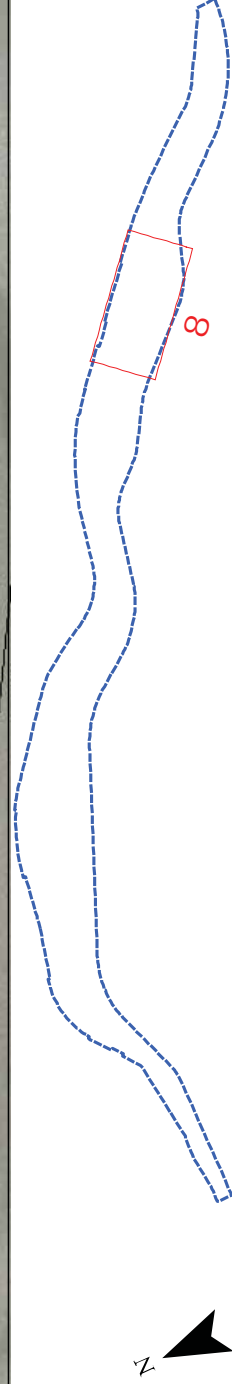


**Seward Highway MP 99-105  
Wetland Delineation  
Figure 5h: Review Areas**

DOT &amp; PF Project No. 53577

Scale: 1:2400  
Dec 6, 2007

W.O. D59207D  
Filename:Figure 5h.mxd





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Seward Highway MP 99-105  
Wetland Delineation  
Figure 5i: Review Areas

DOT & PF Project No. 53577

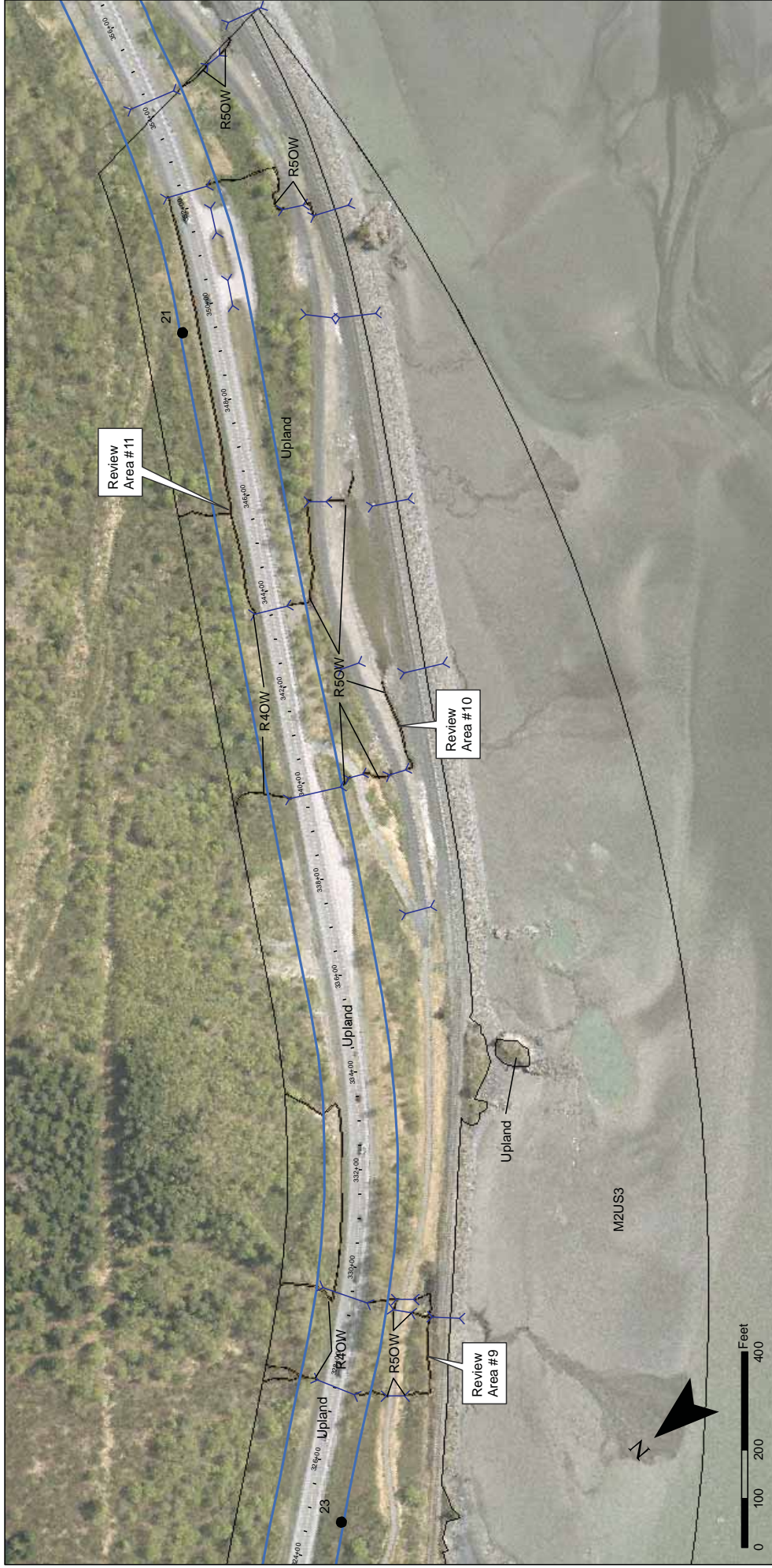
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Dec 6, 2007

W.O. D59207D  
Filename :Figure 5i.mxd

9





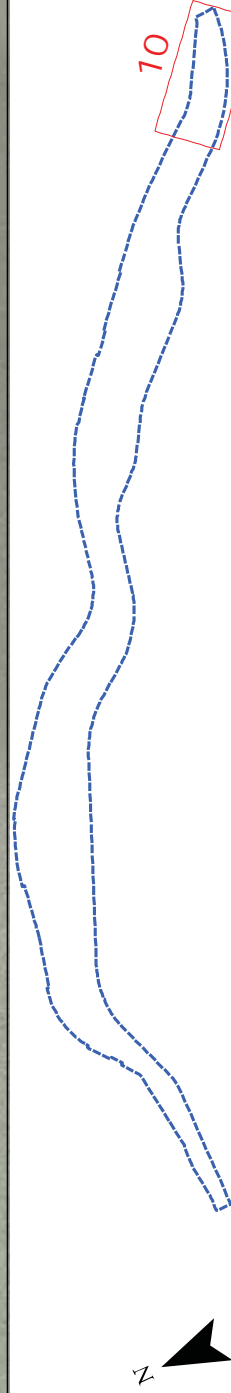


Seward Highway MP 99-105  
Wetland Delineation  
Figure 5j: Review Areas

DOT & PF Project No. 53577

Scale: 1:2400  
Dec 6, 2007

W.O. D59207D  
Filename: Figure\_5j.mxd





Brid ID	Sheet	DOT F- 81 (DOT 81)	Shape	Material	Dia. (in)	Length (ft)	Water Depth (ft)	Quail Material (ft)	Scrambled Material (ft)	Pump Pool Depth (ft)	Pump Pool Area (sq ft)	Average Photo Proc (ft)	Damage	Fish Passage Notes	Station (ft)	Inlet	Outlet	Vegetation	Other notes	Notes
B91	21	132389	60600	round	concrete	36	66	0.75	0	Y	2			3.5	3			lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B92	21	134349	60600	round	concrete	24	66	1634	0	Y	2			3	2			lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B92.4	22	133917	61540	round	concrete	24	66	0.26	1.4	n	3	4.5		2				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B92.5	22	133922	61600	round	concrete	24	66	0.06	0.2	n	3							lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B93	22	133917	61750	round	concrete	24	64	0		n	5							lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B94	22	132922	62070	round	concrete	24	76	0.1	2.2	n	3	3	0.4	4.5	2.5			lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B95	22	132956	62340	round	concrete	24	76	0		Y	2.4	6		2				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B96	22	131944	63140	round	concrete	36	66	0.2	0.3	n	2.8	10		3.5				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B97	22	131940	63340	round	concrete	24	66	0.06	0.3	n	2.5	9		1.5				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B98	23	131948	63640	round	concrete	24	96	0.03	1.1	n	6	7		3.5				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B99	23	132045	64400	round	concrete	24	148	0.1	0.1	n	13			3				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B910	23	132026	64600	round	concrete	36	122	0.2	2.2	n	13			4				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B911	23	132024	64670	round	concrete	24	120	0		n	11	22						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B912	23	132044	65040	round	concrete	24	132	0.03	1.1	n	10	30		2				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B913	24	127390	67000	round	concrete	24	88	0		n	3.5							lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B914	24	132348	68175	round	concrete	48	138	0.2	0.3	n	4.6	5.5		4.5				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B915	25	132341	69700	round	concrete	24	78	0		Y	2							lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B916	25	134944	70075	round	concrete	24	86	0		Y	6							lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B917	25	134949	70340	round	concrete	24	86	0		n	4							lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B918	25	132656	71140	round	concrete	24	70	0		Y	3	2.5						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B919	26	114940	80060	round	concrete	24	102	0.2	0.4	n	7	12		4				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B920	26	112745	82640	round	concrete	24	80	0		Y	4	7						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B921	30	111947	82025	round	concrete	24	64	0.1	3.4	n	2.5	4		2				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B922	30	110640	90400	round	concrete	24	78	0.1	0.1	n	5	12		2				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B923	30	110440	91400	round	concrete	36	70	0.2	0.4	n	5	8	2.5	0.4	2	1.5		lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B924	30	109844	94600	round	concrete	36	74	0		n	3	8						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B925	30	109243.25	103460	round	concrete	24	82	0.1	0.1	n	7	12		1				lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B926	31	108800	108400	round	concrete	24	76	0		n	3	4	10					lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B927	31	105270	103400	round	concrete	24	76	0		n	3	9						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B928	31	105040	113400	round	concrete	24	78	0	0.6	n	2.8	6						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B929	31	106845	126400	round	concrete	24	82	0		n	1	6						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B930	31	106423	131400	round	concrete	24	69	0		n	5							lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B931	32	106844	136400	round	concrete	24	60	0		n	2	4						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B932	32	105456	141400	round	concrete	24	60	0	0.3	n	2	4.5						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B933	32	105247	143400	round	concrete	24	62	0.02	0.4	n	1	3						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B934	32	105844	159400	round	concrete	24	68	0		n	1	8						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B935	32	105456	164400	round	concrete	24	60	0	0.6	n	1	5						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B936	32	103040	161400	round	concrete	24	62	0.04	3.3	n	1	3.5						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B937	33	103146	164400	round	concrete	36	66	0.35	3.85	n	1.5							lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B938	33	102549	170400	round	concrete	24	72	0	2.2	n	2	5.5						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3
B939	33	102847	177400	round	concrete	24	68	0		n	15	6						lower 1/3 of pile in the hole	concrete 10' downstream of outlet	1.3

collected by New River, 2027. Surveyed by New River, 2



**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):**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:**

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

State: Alaska County/parish/borough: MOA City: Anchorage  
 Center coordinates of site (lat/long in degree decimal format): Lat. ° Pick List, Long. ° Pick List.  
 Universal Transverse Mercator:

Name of nearest waterbody: Cook Inlet

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Cook Inlet

Name of watershed or Hydrologic Unit Code (HUC):

- ☒ 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:  
☒ Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There is Pick List "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: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are Pick List "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):<sup>1</sup>**

- ☒ TNWs, including territorial seas  
☒ Wetlands adjacent to TNWs  
☒ Relatively permanent waters<sup>2</sup> (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: linear feet: width (ft) and/or acres.  
 Wetlands: acres.

**c. Limits (boundaries) of jurisdiction based on: Pick List**

Elevation of established OHWM (if known): .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- ☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
 Explain: .

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

<sup>2</sup> 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).

<sup>3</sup> Supporting documentation is presented in Section III.F.



### 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: Cook Inlet

Summarize rationale supporting determination:

Subject to ebbs & flow of the tide and

##### 2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

An area of wetlands within this evaluation area is contiguous with RPW and TNW.

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

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

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

###### (i) General Area Conditions:

Watershed size: Pick List

Drainage area: Pick List

Average annual rainfall: \_\_\_\_\_ inches

Average annual snowfall: \_\_\_\_\_ inches

###### (ii) Physical Characteristics:

###### (a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☒ Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are Pick List aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: \_\_\_\_\_

Identify flow route to TNW<sup>5</sup>: RPW → Turnagain Arm → Cook Inlet

Tributary stream order, if known: \_\_\_\_\_

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

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

Tributary is:

☒ Natural

☐ Artificial (man-made). Explain:

☒ Manipulated (man-altered). Explain: *Culverts*

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

Average width: feet

Average depth: feet

Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

☐ Silts

☐ Sands

☐ Concrete

☐ Cobbles

☐ Gravel

☐ Muck

☐ Bedrock

☐ Vegetation. Type/% cover:

☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume: *Culvert data indicates stream drains hillside*

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☐ Bed and banks

☐ OHWM<sup>6</sup> (check all indicators that apply):

☐ clear, natural line impressed on the bank

☐ changes in the character of soil

☐ shelving

☐ vegetation matted down, bent, or absent

☐ leaf litter disturbed or washed away

☐ sediment deposition

☐ water staining

☐ other (list):

☐ the presence of litter and debris

☐ destruction of terrestrial vegetation

☐ the presence of wrack line

☐ sediment sorting

☐ scour

☐ multiple observed or predicted flow events

☐ abrupt change in plant community

☐ Discontinuous OHWM.<sup>7</sup> Explain:

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

☒ High Tide Line indicated by:

☐ oil or scum line along shore objects

☐ fine shell or debris deposits (foreshore)

☐ physical markings/characteristics

☐ tidal gauges

☐ other (list):

☒ Mean High Water Mark indicated by:

☐ survey to available datum;

☐ physical markings;

☐ vegetation lines/changes in vegetation types.

(iii) **Chemical Characteristics:**

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

Explain:

Identify specific pollutants, if known:

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.