



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

June 5, 2024

Regulatory Division
POA-2024-00245

Brett Kirk
Kuna Engineering
4300 B St., Ste. 605
Anchorage, AK 99503

Dear Mr. Kirk,

This letter responds to your May 10, 2024, request for a Department of the Army (DA) jurisdictional determination for your utility upgrade project. It has been assigned number POA-2024-00245, Bering Sea, which should be referred to in all correspondence with us. The project site is located within Section 25, T. 35 S, R. 132 W, Seward Meridian; at Latitude 57.1236 N, Longitude -170.27897° W, in St. Paul, Alaska.

Based on our review of the information you provided, we have determined the project area does not contain waters of the United States (U.S.) under Corps of Engineers (Corps) jurisdiction. Therefore, a DA permit is not required. A copy of the AJD letter is enclosed and available at www.poa.usace.army.mil/Missions/Regulatory/Jurisdictional-Determinations/Jurisdictional-Determination-Archive/ under the above file number. Please contact us if you decide to alter the method, scope, or location of your proposed activity.

This AJD is valid for a period of five (5) years from the date of the AJD form, 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 regarding this approved jurisdictional determination (see section labeled "Approved Jurisdictional Determination").

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.

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

Please contact me via email at Heidi.zimmer@usace.army.mil, by mail at the address above, or by phone at (907) 753-5509 if you have questions. For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

A handwritten signature in cursive script that reads "Heidi Zimmer".

Heidi Zimmer
Regulatory Specialist

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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): June 5, 2024

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: POA-2024-00245

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alaska County/parish/borough: Aleutians West Census Area City: St. Paul
Center coordinates of site (lat/long in degree decimal format): Lat. 57.1236 N, Long. -170.27897° W.,
Universal Transverse Mercator: 6W

Name of nearest waterbody: Bering Sea

Name of watershed or Hydrologic Unit Code (HUC): (HUC-8): 19030104

- Check if map/diagram of review area is 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: May 30, 2024
- Field Determination. Date(s): [Click here to enter a date.](#)

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: 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: [Click here to enter text.](#)
- 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: [Click here to enter text.](#)
- U.S. Geological Survey Hydrologic Atlas: USACE Alaska Regulatory Viewer
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: [Click here to enter text.](#)
- USDA Natural Resources Conservation Service Soil Survey. Citation: [Click here to enter text.](#)
- National wetlands inventory map(s). Cite name: USFWS National Wetland Inventory
- State/Local wetland inventory map(s): [Click here to enter text.](#)
- FEMA/FIRM maps: [Click here to enter text.](#)
- 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth image 2024
- or Other (Name & Date):
- Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- Applicable/supporting case law: [Click here to enter text.](#)
- Applicable/supporting scientific literature: [Click here to enter text.](#)
- Other information (please specify): State of Alaska Division of Community and Regional Affairs (DCRA) Community Profile Map

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: The review area includes the proposed project footprint, which consists of the areas to be trenched to install new electrical lines, sewer and water pipes. (see Figure 1). The project area is directly adjacent to tidal waters of the Bering Sea, but no work will be done below the High Tide Line (HTL). Recent and historical aerial imagery from 2014 to 2024 indicates that the entire review area consists of buildings and gravel fill, with minimal vegetative cover. No depressional features or ponding water or snow were observed. The review area is surrounded by a gravel road and some residential and commercial buildings; the sparse vegetation in adjacent areas appears to be shrubs or grasses. Based on the best information available, the Corps has determined that there are no wetlands present within the review area and that the three criteria required to classify an area as wetland (hydrology, hydrophytic vegetation and hydric soils) are not satisfied.

Heidi Zimmer

Heidi Zimmer
Regulatory Specialist
North Section

6/5/2024

Date



Figure 1. Review Area

St. Paul Island Small Boat Harbor Utility Expansion Project
St. Paul, AK

POA-2024-00245