



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

Regulatory Division
POA-2009-874

SEP 22 2017

Ms. Nicole Jones-Vogel, AICP
Land Manager Officer - Real Estate Department
Heritage Land Bank
P.O. Box 196650
Anchorage, AK 99519-6650

Dear Ms. Jones-Vogel:

This is in response to your October 3, 2016, request for an approved jurisdictional determination for a 229.30-acre parcel of land described as Municipality of Anchorage Heritage Land Bank Section 36 Parcel (HLB 36). It has been assigned number POA-2009-874, Rabbit Creek, which should be referred to in all correspondence with us. The project site is located within Section 36, T. 12 N., R. 3 W., Seward Meridian; USGS Quad Map Anchorage A-8 (NW); Latitude 61.08° N., Longitude 149.74° W., (NAD83); MOA Parcels 01713105000 and 01713106000 in Anchorage, Alaska.

Based on our review of the revised Preliminary Determination of Wetlands and Waters you furnished on April 4, 2017, and available to us and our October 12, 2016, site visit, we have determined the above property contains waters of the U.S., including wetlands, under the Corps of Engineers (Corps) regulatory jurisdiction. Specifically, there are 0.82-acre of palustrine needle-leaved forested wetlands and 107.03 acres of a needle-leaved forested /scrub-shrub/emergent wetland complex. These jurisdictional wetlands encompass a total of 107.85 acres.

The Corps have also determined that HLB 36 contains within its boundaries Relative Permanent Waters that include Little Rabbit Creek and headwater tributaries for a total of 15,043.10 linear feet. They encompass 8,195.93 linear-feet of perennial stream channels and 6,847.18 linear-feet of seasonal stream channels below the ordinary high water mark. These waters of the U.S. are shown on enclosed Figure 1 prepared by Hemlock Scientific, LLC of September 19, 2017. A copy of the Approved Jurisdictional Determination form is available at the following web address: www.poa.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations under the above file number.

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").

Therefore, Department of the Army (DA) authorization is required if you propose to place dredged and/or fill material into waters of the U.S., including wetlands and/or perform work in navigable waters of the U.S.

You can find a copy of the DA permit application online at the following web address: www.poa.usace.army.mil/Missions/Regulatory. Please refer to the sample drawings on our website at the following web address: www.poa.usace.army.mil/Portals/34/docs/regulatory/guidetodrawings2012.pdf.

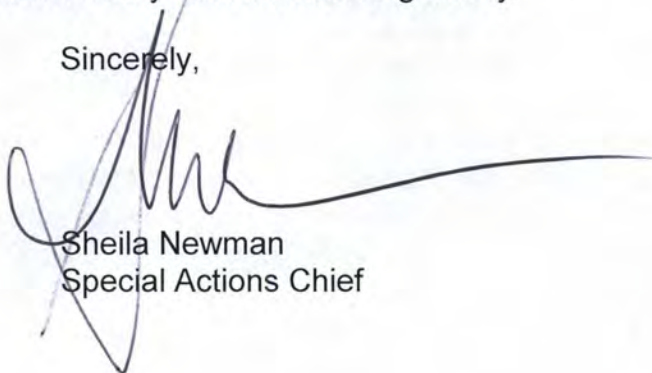
Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344). The Corps defines wetlands as those areas that are inundated or saturated by surface or 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 Estrella.f.campellone@usace.army.mil, by mail at the address above, by phone at (907) 753-2518, or toll free from within Alaska at (800) 478-2712, if you have questions. For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,



Sheila Newman
Special Actions Chief

Enclosures

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Nicole Jones-Vogel, AICP, HLB		File Number: POA-2009-874	Date: 9/29/2017
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
x	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

ESTRELLA CAMPellone, PM
Alaska District Corps of Engineers
CEPOA-RD-SA
P.O. Box 6898
JBER, AK 99506-0898
(907) 753-2518

If you only have questions regarding the appeal process you may also contact:

Regulatory Program Manager
U.S. Army Corps of Engineers, Pacific Ocean Division
CEPOD-PDC, Bldg 525
Fort Shafter, HI 96858-5440

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

Table 5

Preliminary Credit Calculations – Preservation

Scenario	Project Credits Summary							
	REV	Number of Credits per Landform						Z. Total Credits
		Subtidal Zone	Intertidal Zone	Waterways	Waterbodies	Wetlands	Uplands	
Current Condition	1	N/A				3.84		3.84
	2					16.70	20.73	37.42
	3		N/A			7.23	24.15	31.38
	4	N/A	N/A					0.00
	Totals		0.00	0.00	0.00	0.00	27.77	44.87

Figure 1



ANCHORAGE, ALASKA

Cook Inlet

Section 36 Mitigation Site

Rabbit Creek Subwatershed (12-Digit HUC)

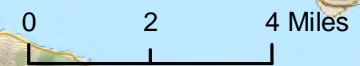
Turnagain Arm



Anchorage

Legend

- Streams
- Rabbit Creek Subwatershed (HUC12)
- Rabbit Creek Frontal Turnagain Arm Watershed (HUC10)
- Streets



Copyright:© 2015 DeLorme

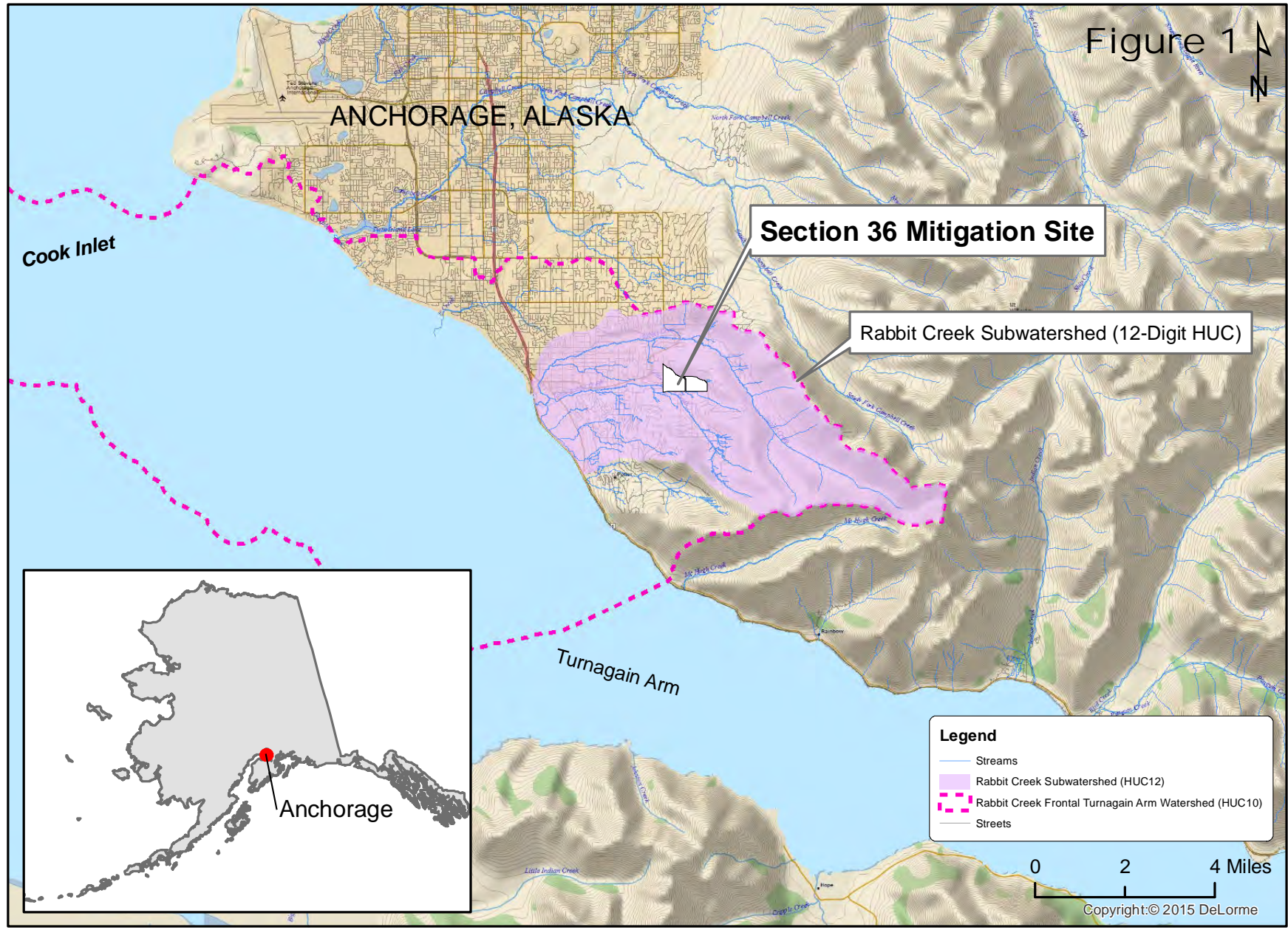
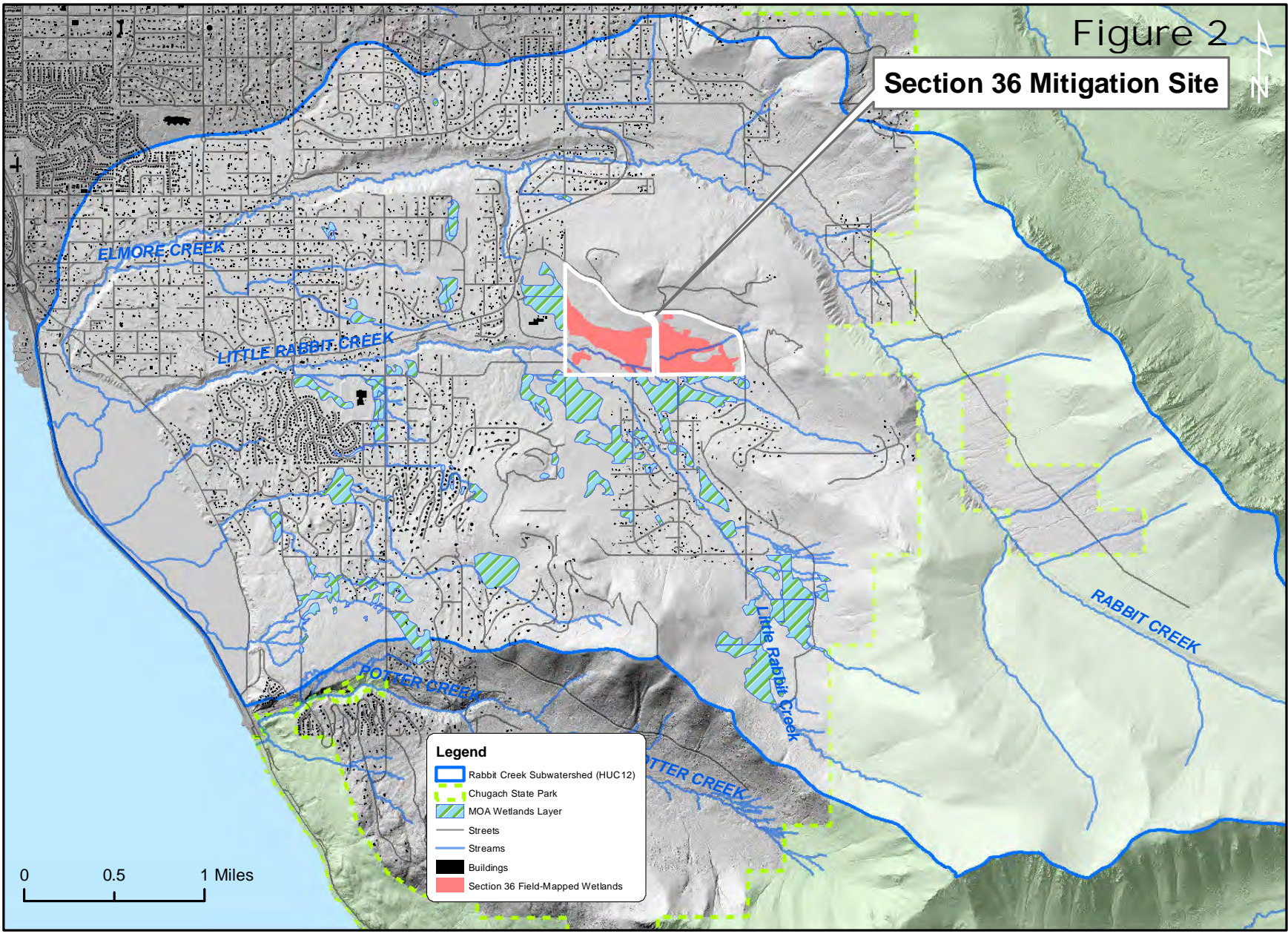


Figure 2

Section 36 Mitigation Site



- Legend**
- Rabbit Creek Subwatershed (HUC12)
 - Chugach State Park
 - MOA Wetlands Layer
 - Streets
 - Streams
 - Buildings
 - Section 36 Field-Mapped Wetlands

0 0.5 1 Miles

Figure 3



Wetlands & Streams

Legend

- Section 36 Mitigation Site Parcels
- ADCM Wetland Types
 - Inundation Rare
 - Inundation Spring & Fall
 - Inundation Through June
- Perennial Stream
- Seasonal Stream

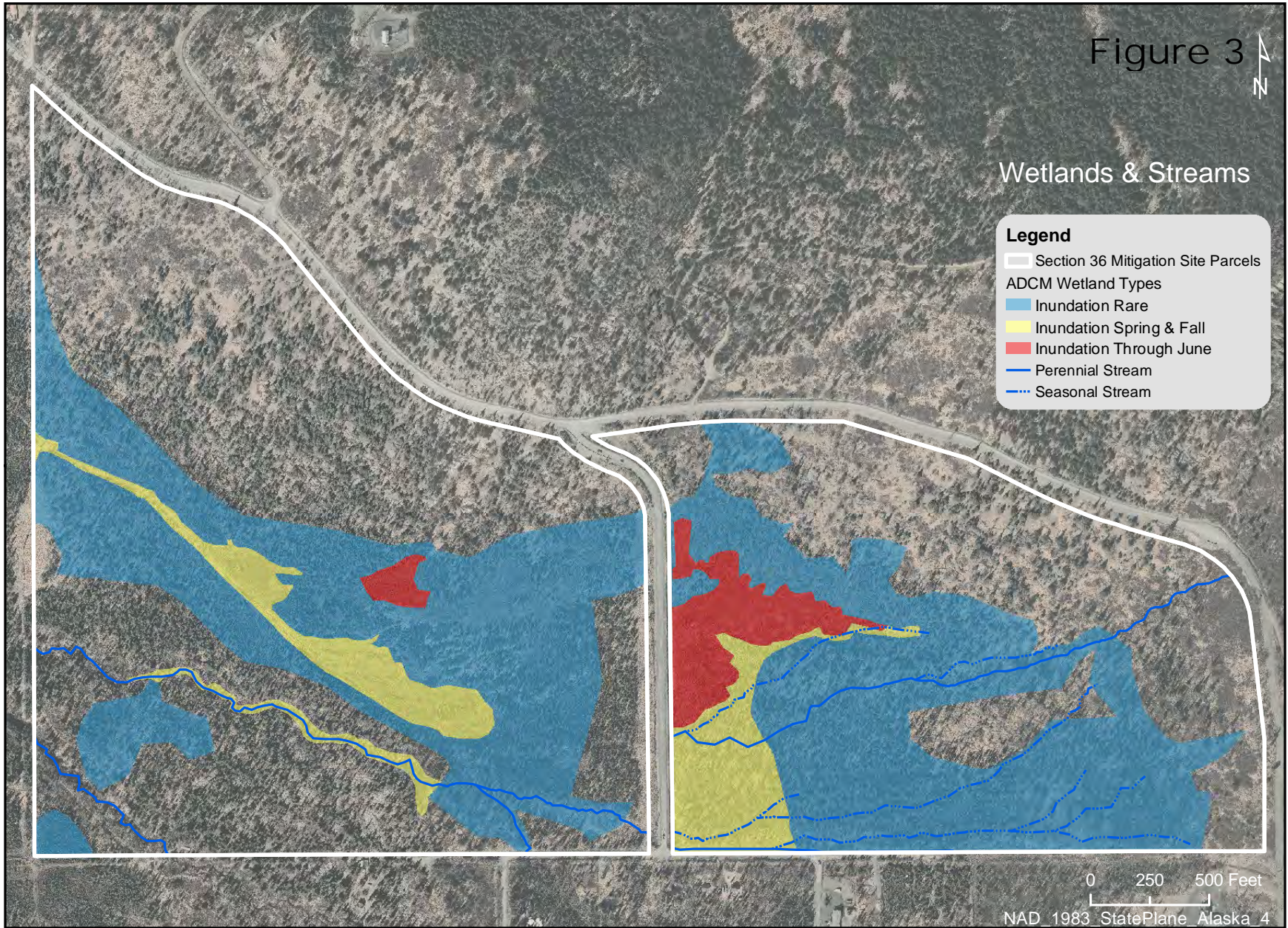


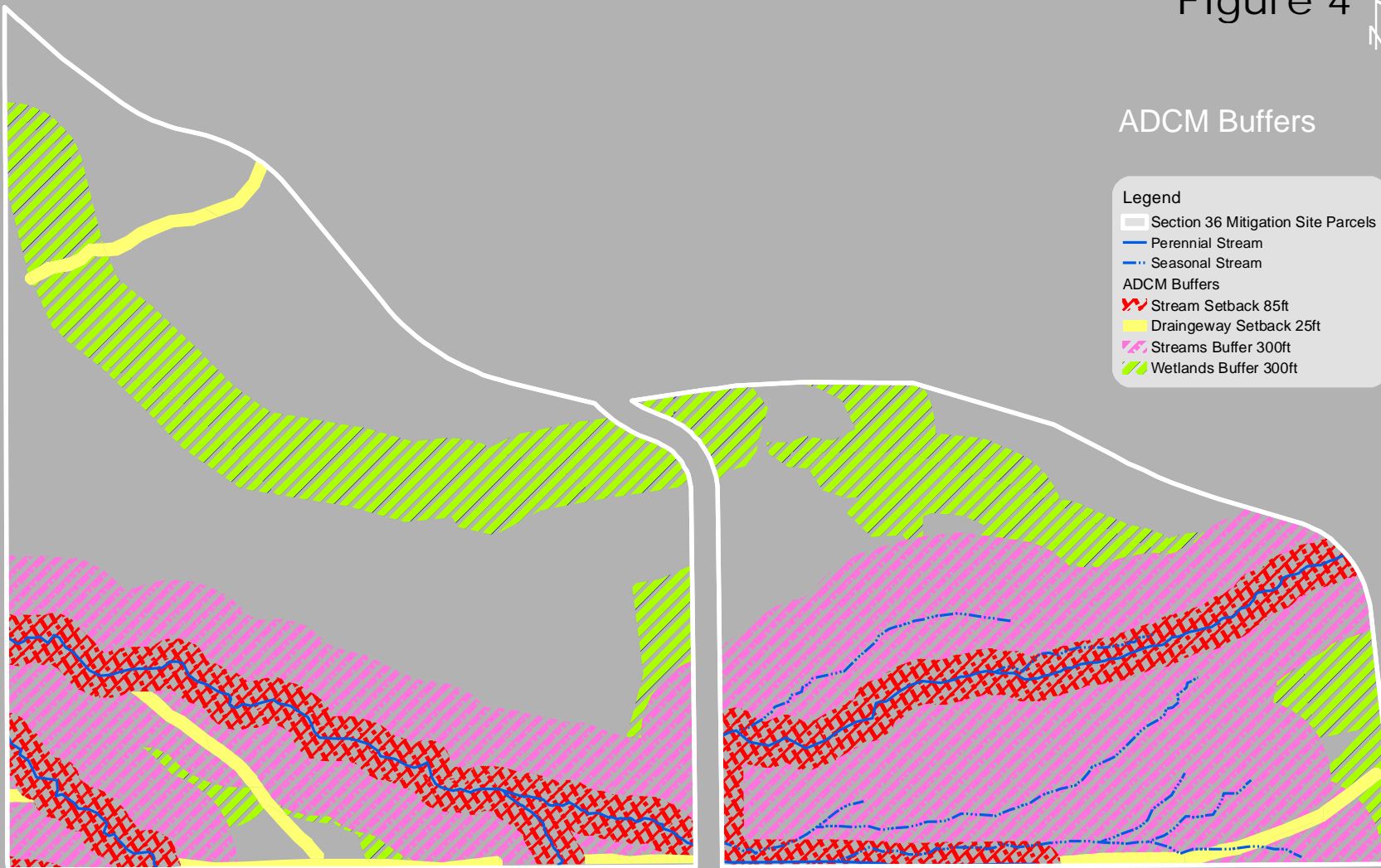
Figure 4



ADCM Buffers

Legend

- Section 36 Mitigation Site Parcels
- Perennial Stream
- Seasonal Stream
- ADCM Buffers
 - Stream Setback 85ft
 - Drainage Setback 25ft
 - Streams Buffer 300ft
 - Wetlands Buffer 300ft



0 300 600 Feet

NAD_1983_StatePlane_Alaska_4

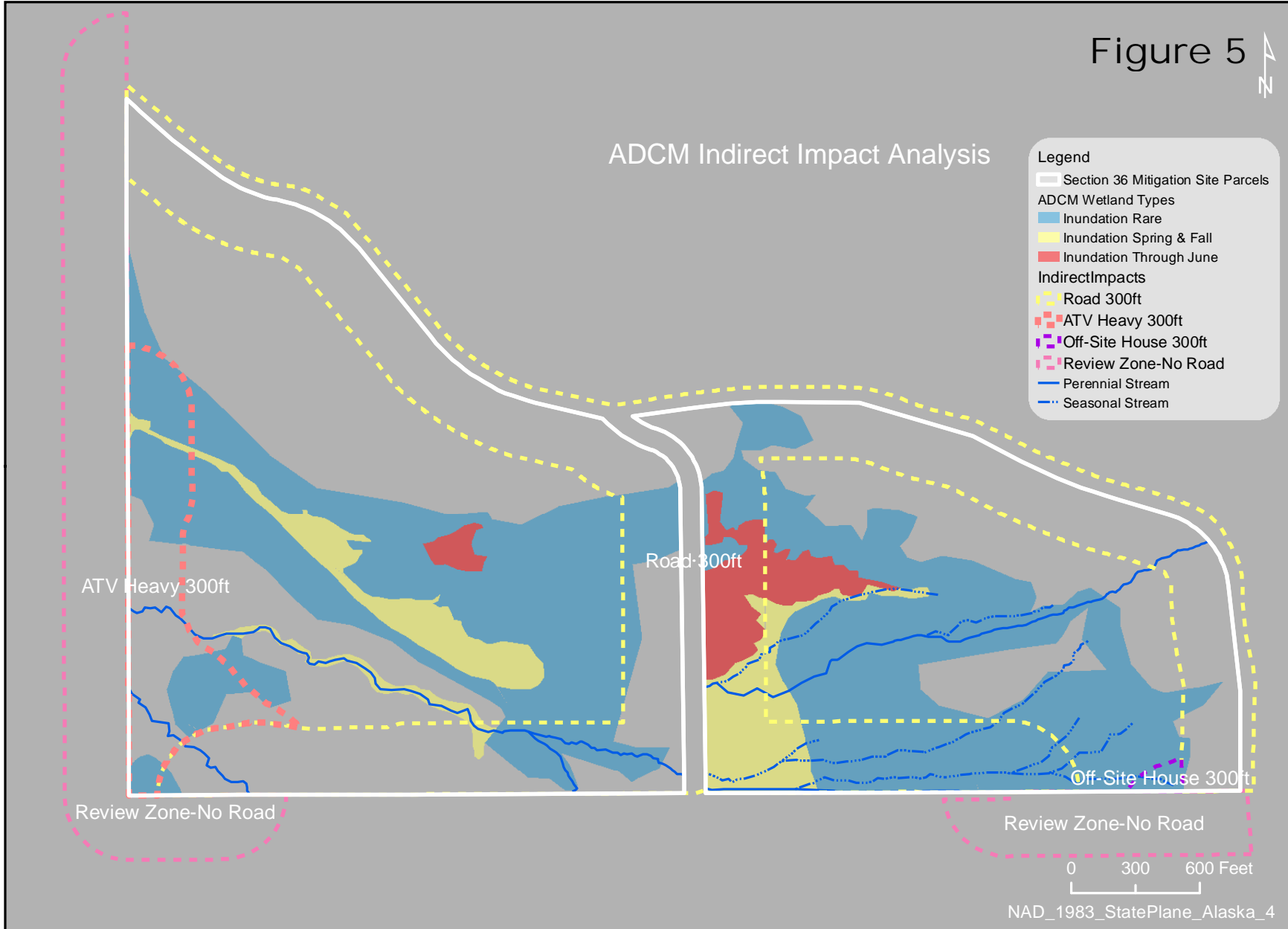
Figure 5



ADCM Indirect Impact Analysis

Legend

- Section 36 Mitigation Site Parcels
- ADCM Wetland Types
 - Inundation Rare
 - Inundation Spring & Fall
 - Inundation Through June
- IndirectImpacts
 - Road 300ft
 - ATV Heavy 300ft
 - Off-Site House 300ft
 - Review Zone-No Road
- Perennial Stream
- Seasonal Stream



0 300 600 Feet

NAD_1983_StatePlane_Alaska_4

Figure 6



Legend

- Section 36 Mitigation Site Parcels
- ADCM Polygons (Wetland Class/Indirect Impacts)
- InundRare, ATV Heavy 300ft
- InundRare, ATV Heavy Damage
- InundRare, ATV Light Damage
- InundRare, Off-Site House 300ft
- InundRare, Out
- InundRare, Road 300ft
- InundSpringFall, ATV Heavy Damage
- InundSpringFall, ATV Light Damage
- InundSpringFall, Out
- InundSpringFall, Road 300ft
- InundThrJune, Out
- InundThrJune, Road 300ft
- Upland_Developed, Vehicle_Parking
- Upland_Natural, ATV Heavy 300ft
- Upland_Natural, Out
- Upland_Natural, Road 300ft
- ATV_Trails
- Heavy Motorized Use
- Light Motorized Use

ADCM Polygons

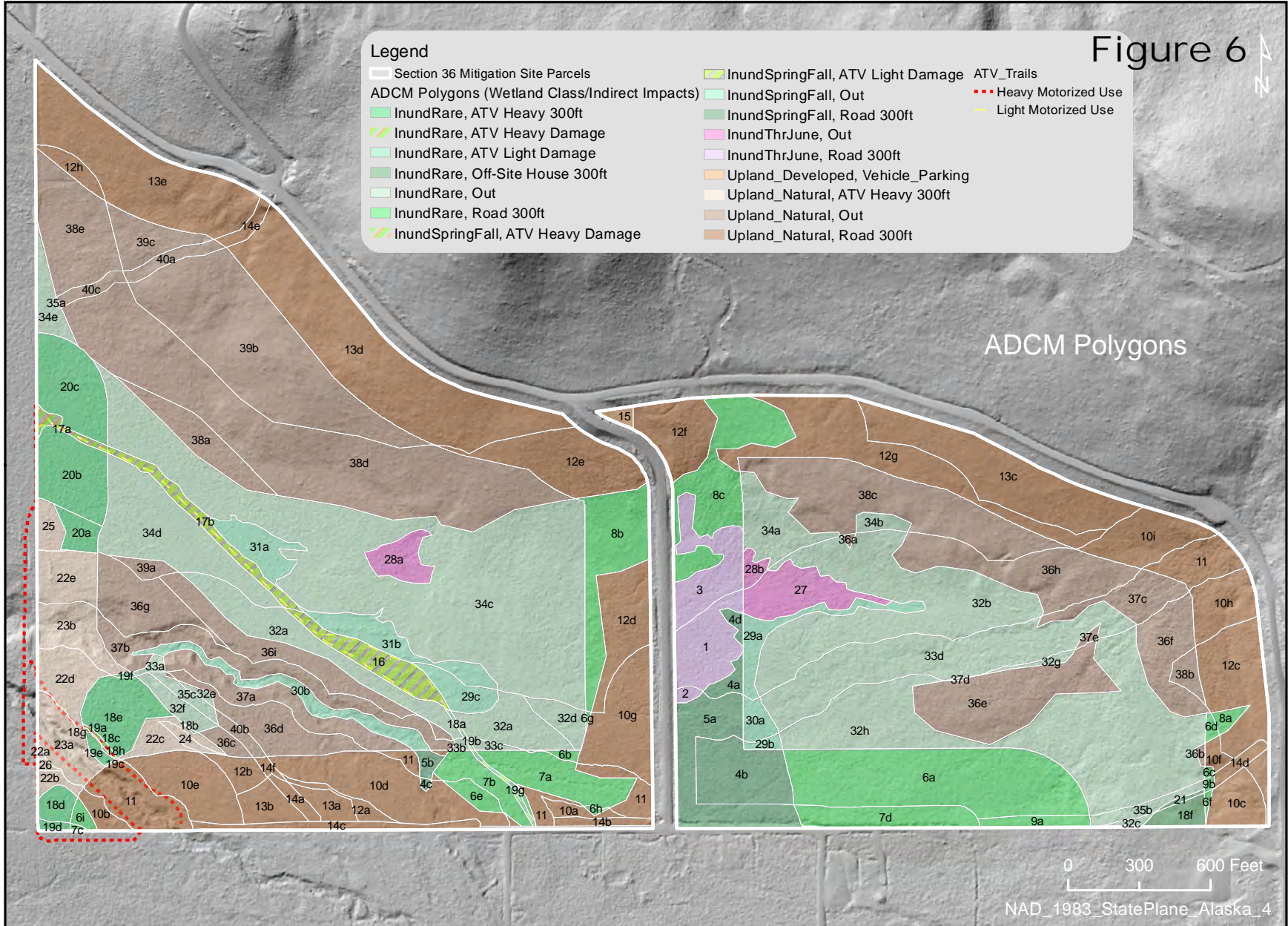


Figure 7

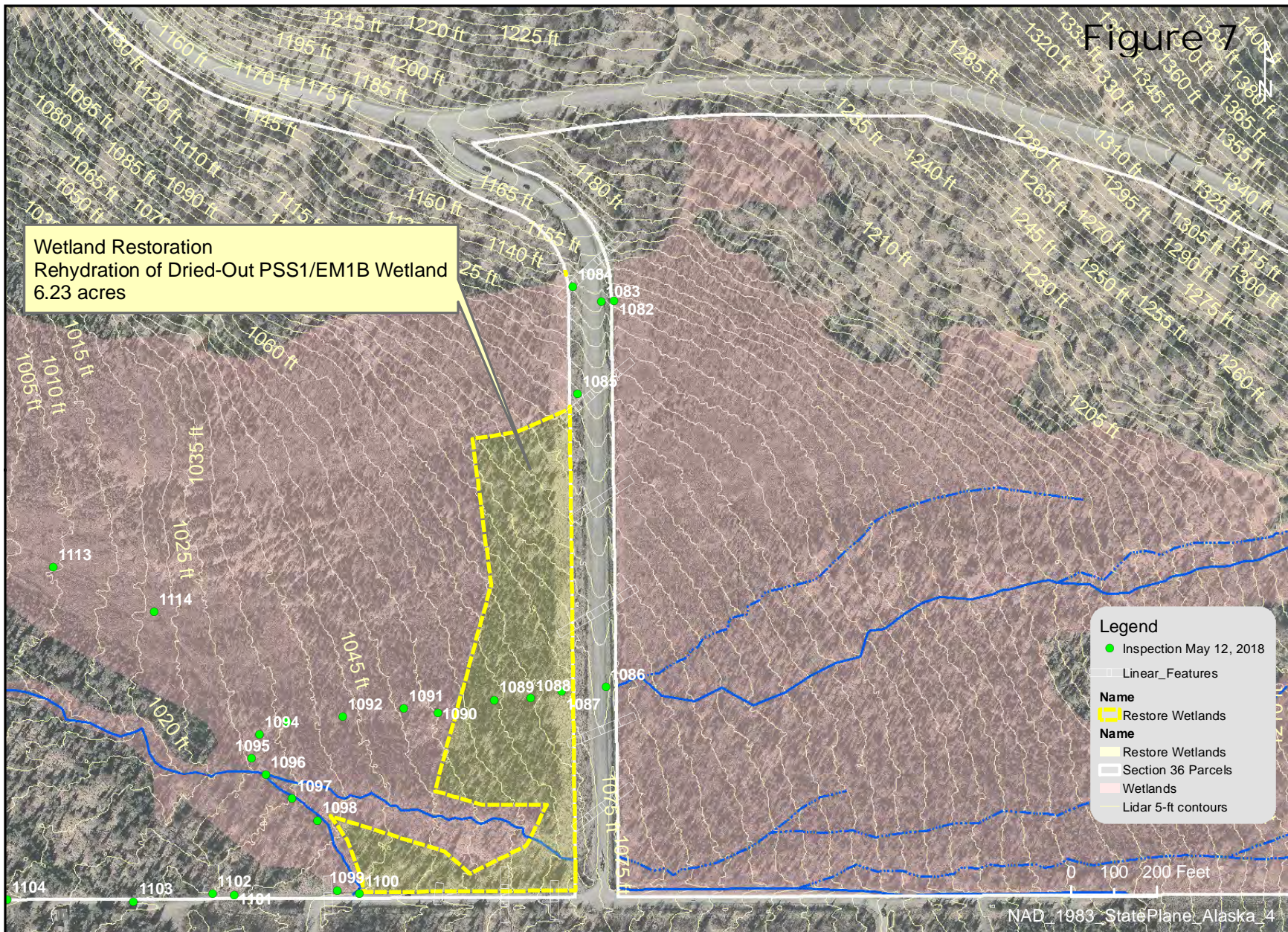


Figure 8



Figure 9

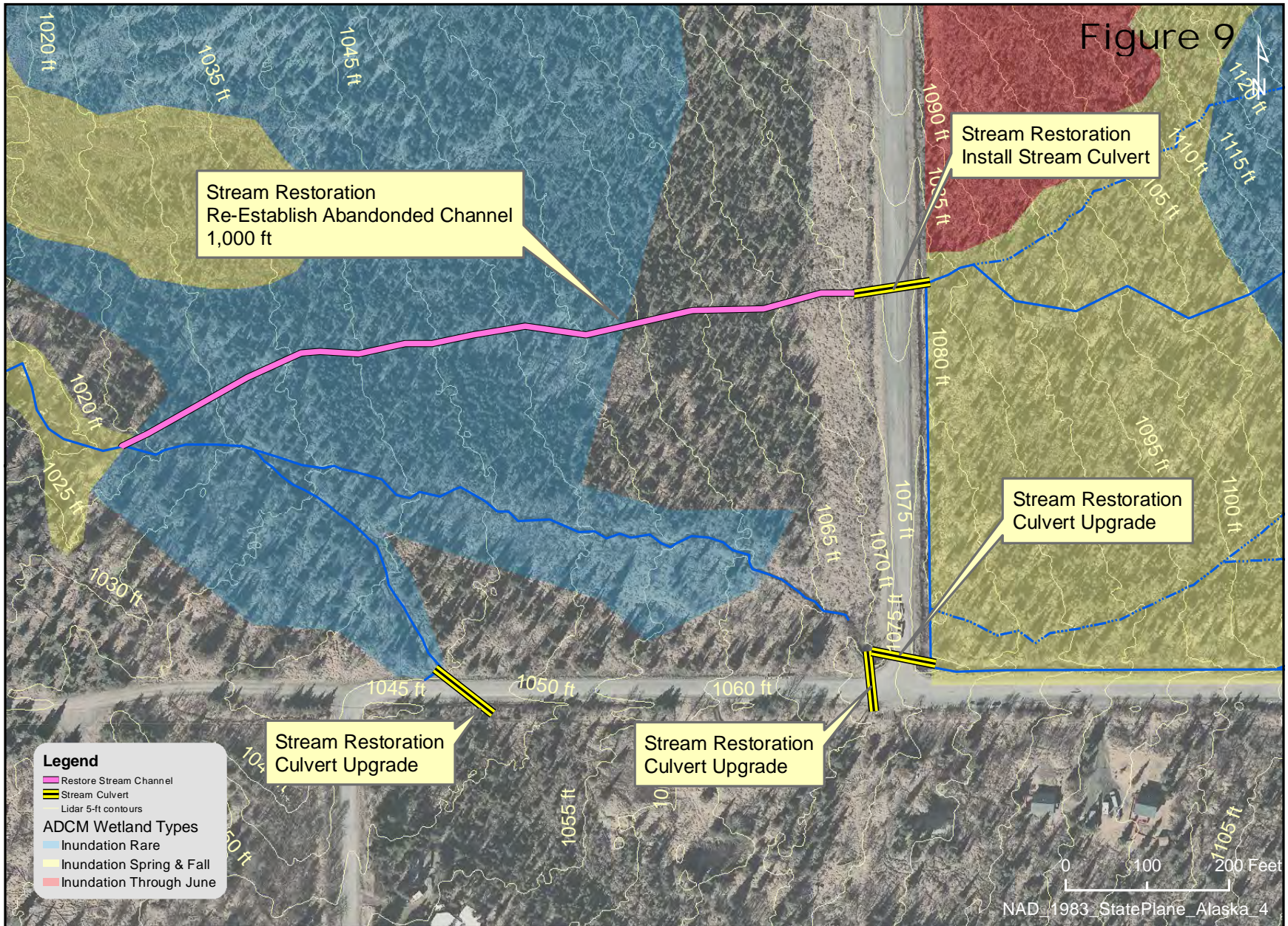


Figure 10



Stream Restoration
Re-Establish Abandoned Channel
Old Channel Remains Visible on Ground

Stream Restoration
Install Stream Culvert



1092

1091

1090

1089

1088

1087

1086

Legend
● Inspection May 12, 2018

0 100 200 Feet

NAD_1983_StatePlane_Alaska_4

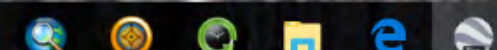
1996

Figure 11



Image U.S. Geological Survey

Imagery Date: 9/2/1996 6

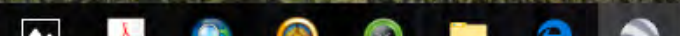


6-17-2002



8-3-2002

Image U.S. Geological Survey



4-14-2011

