



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 6898
JBER, ALASKA 99506-0898

APR 13 2012

District Commander
POA-2003-1422

Travis/Peterson Environmental Consulting, Inc.
Attention: Mr. Laurence A. Peterson
Operations Manager
329 2nd Street
Fairbanks, Alaska 99701

Dear Mr. Peterson:

This letter is in response to the July 28, 2010 appeal of our July 23, 2010 approved jurisdictional determination (JD) for the Tin Cup site, which is located within Section 27, 34 & 35, T. 1S., R. 1E., Fairbanks Meridian, USGS Quad Map Fairbanks (D-1) SW and Fairbanks (D-2) SE; Latitude 64.7958° N., Longitude -147.4966° W.; near North Pole, Alaska.

The Administrative Appeal Decision was signed on August 18, 2011, remanding the decision to the Alaska District on four of several points made in the appeal. Enclosed with this letter is a Memorandum for the Record that addresses these points and clarifies the record to support our conclusion that the wetland at the Tin Cup site is a water of the U.S.

Also enclosed with this letter is a Significant Nexus Finding demonstrating why the wetland is jurisdictional in accordance with current interagency guidance following the 2007 U.S. Supreme Court decision in *Rapanos v. United States & Carabell v. United States*. The wetland extends off site and is adjacent to Channel B, a relatively permanent water. In combination with similarly situated wetlands in the Channel B sub-watershed, the Tin Cup site wetland sustains a significant nexus with the Chena River, a water more readily understood as 'navigable.'

Therefore, we have determined the above property contains waters of the U.S., including wetlands, under the Corps' regulatory jurisdiction. A copy of the Approved Jurisdictional Determination form is enclosed and available at www.poa.usace.army.mil/reg/ApprovedJDs.htm under the above file number.

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. 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.

This approved jurisdictional determination is a final Corps decision resulting from additional analysis and evaluation, as directed by a final appeal decision, and is not an appealable action under 33 CFR § 334.5(b)(3). The JD is valid for five (5) years from the date of this letter.

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

Please contact Greg Mazer via email at Gregory.j.mazer@usace.army.mil, by mail at the address above, by phone at (907) 474-2166 if you have questions. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,

A handwritten signature in black ink, appearing to read "Reinhard W. Koenig". The signature is written in a cursive, flowing style.

Reinhard W. Koenig
Colonel, Corps of Engineers
District Commander

Enclosures