



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 12/21/2020
 ORM Number: NWW-2016-00587
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Idaho City: Middleton County/Parish/Borough: Canyon
 Center Coordinates of Review Area: Latitude 43.697 Longitude -116.617

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
West Boundary PEM	0.33 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetlands cells directly south of the feedlot berms (0.27 acres) and in the NW Corner (0.05 acres) are part of a larger complex which extends

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				beyond the review area to the west. The complex continues contiguously through an old slough to directly abut the Boise River downstream.
South Boundary PEM/PSS	0.30	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetlands directly north of the primitive access road are regularly inundated by surficial flow. They are bisected by a primitive access road, that was bladed across a natural topographic rise. The road is part historically disturbed wetland, and upland however it does not appear to be constructed fill although it has been surfaced with gravels following high flows in 2017. The distance between these wetlands and Forested wetlands abutting the Boise River is less than 25 linear feet.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Feedlot PEM	1.46	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands within the footprint of the historical Feedlot/Livestock holding areas appear to have been excavated to a depth to catch run-off from adjacent holding areas and includes a drainage swale to the south that allowed flows into the enclosed basin. This area is completely isolated by levees and berms, except for the drainage swale which flows to the basin. These features exist in the generally the same location and extent as they were in historical imagery since the 1980's. It is unknown if this area was historically wetlands. Aerial imagery shows inundation within the wetland areas during typical years, however it occurs only from elevated groundwater levels, as no culverts are present with the berms. Surficial overland flow across an upland break and constructed berm into the drainage swale and into the basin only occur during high water years (above 7000 CFS). These wetlands do not abut an A1-A3 Water, are not surficially inundated during a typical year, and are separated by constructed berm that do not have a culvert or other form of surficial connection.
N/A.	N/A.	N/A.	N/A.	N/A.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [Previous Delineation Report completed for the parcel on November 7, 2016](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial: USACE Aerial Flyover, 2006, 2012, 2017](#)
- Corps site visit(s) conducted on: [11/2/2020, 12/8/2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [NWW-2016-00587, North Parcel, Feb. 28, 2017](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [USFWS Online Wetland Mapper.](#)
- USGS topographic maps: [USGS 1:24K Middleton](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [High Water aerial imagery was utilized to determine if typical year surficial connection occurred. The Boise River is regulated by three upstream Dams to achieve multiple beneficial uses which reduces the relationship between typical year precipitation and downstream releases. The site has been heavily manipulated in ways which alter the natural hydrology of the landscape.](#)

C. Additional comments to support AJD: [The review area was historically a feed/cattle lot which was in use from before 1973, and ended in the early 2000's. The property was originally delineated in 2017 for development on the portions north of Sawtooth Lake Road \(constructed in 2006\). The 2017 wetland delineation identified the wetland boundaries associated with the JD. Site visits performed in 2020 determined that the boundaries of the wetlands were driven by topography and constructed features, and the wetland types were consistent with the previous delineation. Wetlands were either located within the previously constructed basins of the feed/cattle lots, or within the floodway of the Boise River. Wetlands within the constructed basins are either dominated by cattails, or reed canary grass, and are physically separated by upland fills. The distance from the drainage swale \(closet point\) to abutting wetlands of the Boise River was approximalty 60 linear feet. No culverts or other surficial connections were found. Review of flyover aerial imagery identified overtopping of the berm into the swale only during non-typical years. In 2006 at above 7000 CFS, no surficial flow was observed, but in 2012 \(8000 CFS\) and 2017 \(9000CFS\) the Boise River flows over the constructed features.](#)