



**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): 10/9/2020
 ORM Number: NWW-2008-00332
 Associated JDs: PJD and Wetland Delineation submitted in 2016 (NWW-2008-00332)
 Review Area Location¹: State/Territory: Idaho City: Caldwell County/Parish/Borough: Canyon
 Center Coordinates of Review Area: Latitude 43.690640 W Longitude -116.699145 N

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 or describe rationale.
- 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
N/A.	N/A.	N/A.	N/A.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Canyon Springs RV Park wetlands	4.17	acre(s)	(b)(1) Non-adjacent wetland.	<i>The wetland area within the 5.6 acre review area does not abut an (a)(1)-(a)(3) water. See Section III. C. for additional comments.</i>

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: Canyon Springs RV Park Expansion Wetlands Assessment, Request for an Approved Jurisdictional Determination (AJD) (dated August 10, 2020); West Chicago – Frontage Road Project Wetland Delineation (dated August 16, 2016); submitted by Derek Risso with Ecosystem Sciences.

This information is sufficient for purposes of this AJD.

Rationale: N/A or describe rationale for insufficiency (including partial insufficiency).

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Select. Title(s) and/or date(s).
- Corps site visit(s) conducted on: Date(s).
- Previous Jurisdictional Determinations (AJDs or PJDs): NWW-2008-00332; October 26, 2016
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Title(s) and/or date(s).
- USFWS NWI maps: <https://www.fws.gov/wetlands/data/mapper.html> – retrieved 10/08/2020
- USGS topographic maps: 1:24K Caldwell, ID

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD ArcGIS web viewer map
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	IDEQ – Lower Boise River Watershed Advisory Group KML layer of Treasure Valley irrigation features
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: The previous Preliminary Jurisdiction Determination concluded that the wetlands area may be jurisdictional based on drainage of the adjacent open water ponds into user ditches and canals, which eventually discharge into the Boise River (a tributary to the Snake River – Section 10 water). The 5.6 acre review area contains approximately 3.68 acres of PEM and 0.48 acres of

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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PSS of wetlands (4.17 acres total), per the wetland delineation report completed in 2016. The wetland area is adjacent to an existing manmade open water pond that was excavated for gravel extraction to be used to construct the existing RV Park. Water from the parcel generally drains in a westerly direction, towards several active gravel mine operations and man-made irrigation features. There are several man-made irrigation features, including the Seidenberd Canal to the south, the West Canyon Canal to the east, and an unnamed local user ditch to the north. Under the Navigable Waters Protection Rule, the term adjacent wetlands means wetlands that: (i) abut, meaning to touch at least at one point or side of, a water identified in paragraph (a)(1), (2), or (3); (ii) are inundated by flooding from a water identified in paragraph (a)(1), (2), or (3) in a typical year; (iii) are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature; or (iv) are physically separated from a water identified in paragraph(a)(1), (2), or (3) only by an artificial dike, barrier, or similar artificial structure so long as that structure allows for a direct hydrologic surface connection between the wetlands and the water identified in paragraph (a)(1), (2), or (3) in a typical year, such as through a culvert, flood or tide gate, pump, or similar artificial feature. The man-made irrigation canals and ditchers are not considered a waters of the U.S. as it falls under the (b)(5) exclusion category, and does not meet the definition of a tributary as the ditch is not naturally occurring and appears to have been constructed in uplands. The open water pond and wetland area are not inundated by flooding in a typical year and there is no surface water flow contribution to an (a)(1)-(a)(3) waters. Based off of best available historic information and knowledge, the existing open water ponds were constructed for the use of gravel extraction and are not considered waters of the U.S. as they fall under the (b)(9) exclusion category, and does not meet the definition of a jurisdictional pond. The closest (a)(1)-(a)(3) water to the review area is over 4,700 feet from the wetland area. The wetland does not abut an (a)(1)-(a)(3) water and therefore is not considered a water of the U.S.