



**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-2020-00488

Associated JDs: N/A

Review Area Location¹: State/Territory: Idaho City: Nampa County/Parish/Borough: Canyon County

Center Coordinates of Review Area: Latitude 43.661278 Longitude -116.535629

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.



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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
5.3 Lateral	N/A.	N/A.	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	5.3 Lateral is a man-made lateral (ditch) originally constructed in uplands in the early 20th Century. It does not follow topographic drainages. There is no evidence that it was constructed in or is a relocated tributary. 5.3 Lateral receives water from the Phyllis Canal, which receives water from the Boise River. 5.3 Lateral is the receiving water for all other aquatic features onsite, which carries flow to an unnamed drain, which flows into the Caldwell High Line Canal, which flows into the Boise River, which discharges into the Snake River below River Mile 445.5

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: [Flamingo West, LLC and Flamingo West 2, LLC 5.3 Lateral Relocation Project \(Pioneer Project No. 4-2020\), Request for an Approved Jurisdictional Determination \(AJD\) \(dated September 10, 2020\); submitted by Derek Risso with Ecosystem Sciences](#)

This information **Select.** 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): **ORM Number(s) and date(s).**
- 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](#), review date 10/08/2020**
- USGS topographic maps: **[USGS 1:24K 7.5 Minute Quad \(Middleton, ID\)](#)**

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.

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.



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

Data Source (select)	Name and/or date and other relevant information
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):** No typical year assessment determination is needed since the flows are regulated by the Pioneer Irrigation District, via the Boise River to the Phyllis Canal to the 5.3 Lateral.
- C. Additional comments to support AJD:** The 5.3 Lateral is a man-made irrigation feature that was not constructed in a natural tributary, nor does it relocate a natural tributary. The alignment of the feature is straight and consistent, and parallels roadway infrastructure. The surrounding area is upland agricultural lands and residential developments. Hydrology is limited to irrigation water received from the Phyllis Canal.

The 5.3 Lateral is a (b)(5) excluded feature since it does not relocate a tributary, was not constructed in a tributary, and was not constructed in an adjacent wetland when the feature was originally constructed. Therefore the 5.3 Lateral is not considered a water of the U.S.