



**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): 9/22/2020  
 ORM Number: NWW-2017-00423  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Idaho City: Star County/Parish/Borough: Ada  
 Center Coordinates of Review Area: Latitude 43.69454 Longitude -116.50147

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

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

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Drain 9A	2500	linear feet	(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).	Drain 9A is a man-made agricultural drain (ditch). Evidence suggests that it was constructed in the 1930's to drain agricultural land up-gradient. There is no evidence this drain was constructed in or relocated a tributary, or that it was constructed in adjacent wetlands. Drainage District No. 2, who has jurisdiction over the irrigation features in the project area, confirmed that Drain 9A was constructed in uplands, not a pre-existing natural streambed or slough.
Drain 9B	700	linear feet	(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).	Drain 9B receives flow from Drain 9A as well as drainage from approximately 6,500 linear feet upstream from this confluence. Drain 9B does not receive any surface flows from any water body above its confluence with Drain 9A. Drain 9B flows into the Lawrence Kennedy Canal. There is no evidence this drain was constructed in or relocated a tributary, or that it was constructed in adjacent wetland.
Concrete Ditch	2400	linear feet	(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).	The concrete ditch is man-made, user ditch used to apply flood irrigation. The ditch was not constructed in nor relocated a tributary, and was not constructed in adjacent wetlands.

**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.

<sup>4</sup> 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.

<sup>5</sup> 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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Information submitted by, or on behalf of, the applicant/consultant: Norterra Mixed Use Development Project (2020-07-20) and Wetland Delineation (2017-11-09)

This information **is** sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps:

Photographs: [Aerial: Google Earth, 5/1992, 7/2018](#)

Corps site visit(s) conducted on: [2017-11-01 and 2019-09-12](#)

Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: [Web Soil Survey accessed 2020-09-21](#)

USFWS NWI maps: [NWI Mapper accessed 2020-09-21](#)

USGS topographic maps: [USGS TOPO! map layer for Google Earth](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">NHD; StreamStats</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">IDEQ, Treasure Valley Irrigation KMZ.</a>

**B. Typical year assessment(s):** [A typical year assessment was not required to assess the jurisdictional status of the features.](#)

**C. Additional comments to support AJD:** [Aquatic features within the property appear to be exclusively resulting from constructed features in support agricultural practices. The basin size upstream of the assessment area is approxialty 200 acres, and there is no historical evidence that the features relocated or were constructed in natural tributaries. Furthermore, the local drainage district maintains that Drain 9A was constructed outside of natural aquatic resources around the 1930's. Review of the USFWS Online NWI did not identify other aquatic features within the property, and soils units within the assessment area are classified as non-hydric. It is determined that the identified aquatic resources are man-made ditches which are exluded features.](#)