



**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): 4/14/2021
 ORM Number: NWW-2020-00410
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Idaho City: Boise County/Parish/Borough: Ada County
 Center Coordinates of Review Area: Latitude 43.6545 Longitude -116.255361

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
Sand Creek	60	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).	This segment of Sand Creek (Boise City Canal) is a constructed feature historically developed as a flood control feature and later modified to carry irrigation water as a delivery ditch. The segment within the review area did not relocate nor was it constructed in a natural tributary or other jurisdictional feature at the time of construction. This feature does continue downgradient to the Boise River, however relevant topographic maps and historical documentation support that this segment within the review area was constructed outside of a natural feature.

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: [404 Application NWW-2020-00410 and accompanying maps and drawings](#)

This information is **not** sufficient for purposes of this AJD.

Rationale: [The information provided contained basic information outlining the project impacts and textual information about the canal, but lacked detailed information that would allow the documents to be sufficient for an AJD.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: Google Earth Imagery Dates 6/1998, 7/2010, 7/2018](#)
- Corps site visit(s) conducted on: [N/A](#)
- 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: [The USDA NRCS Soil Survey, accessed and reviewed on 04/02/2021. Soil Unit is Urban land-Beetville complex, 0 to 2 percent slopes, which is classified as non-hydric.](#)
- USFWS NWI maps: [USFWS Online Wetland Mapper, reviewed on 04/02/2021](#)
- USGS topographic maps: [USGS 1892 Topo Map, downloaded and reviewed on 04/05/2021](#)

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	Correspondence from SHPO received 04/02/2021

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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Data Source (select)	Name and/or date and other relevant information
Other Sources	N/A.

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

C. Additional comments to support AJD: Aquatic Resources within the review area are limited to Sand Creek Flume (Boise City Canal) which runs NE to SW across the property. The feature is straight, lined with sandstone blocks and bound on either side by development. Review of information available to our office to include soil maps, NWI, and historical evidence regarding this resource, determine that it was constructed to provide flood relief from Stewart Gulch, and later modified to carry irrigation water and runoff from around the area. Over time the original channel of Stewart Gulch appears to have been filled and flows from the Stewart Gulch diverted into the Sand Creek Flume approximatly 1 mile to the Northeast. Naturaul flows could follow this constructed feature before likely mixing and being influenced by the Boise City Canal, and the Farmers Union Canal and there branches. The segment within the review area is considered an excluded reach between the natural stream system upstream, and the Boise River downstream.