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): 3/31/2021
ORM Number: NWW-2021-00053-B03
Associated JDs: N/A
Review Area Location[1]: State/Territory: Idaho City: McCall County/Parish/Borough: Valley
Center Coordinates of Review Area: Latitude 44.868745 N Longitude -116.096045 W

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.	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.	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.	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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland Polygon A	0.33	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	0.33 acres of palustrine emergent wetlands, Polygon A, touches and abuts Mud Creek in the defined project limits. (Polygon A encompasses a much

[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.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				larger area outside the project limits.) A natural elevation break, which is demarcated by a north-south unnamed earthen irrigation ditch separates Wetland Polygon A from Wetland Polygon B. Wetland Polygon B are artificially induced wetlands created in uplands from various earthen irrigation ditches for the expressed purpose of flood irrigating agricultural grazing lands. Refer to Section D below.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Wetland Polygon B	5.56	acre(s)	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	Polygon B is associated with a total of 10 trapezoidal earthen irrigation ditches that traverses the 20-acre parcel. Prior land use consisted of flood irrigated grazing land for cattle. The ditches on the parcel of land receive water from the Lake Irrigation District Canal, which is a manmade canal constructed in uplands. Seepage from the earthen irrigation diches themselves and the land application of irrigation water in uplands for decades have created artificially induced palustrine emergent wetlands. A natural elevation break on the parcel of land, which is demarcated by an unnamed north-south earthen irrigation ditch, separates the artificially induced wetlands from palustrine emergent wetlands that abuts and touches Mud Creek, which is considered an a(4) wetland. Refer to Section C above.

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: Revised Final Aquatic Delination Report Johnson Lane, Lot 6, dated February , 2021

This information is sufficient for purposes of this AJD.

Rationale: N/A

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).

[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.

☐ Photographs: Aerial: Site photos of data pits, soils and vegetation are found in the appendix of the revised wetland delineation report, titled: Final Aquatic Delineation Report, Johnson Lane Lot 6, dated January, 2021 Google Earth Photos: 1998, 2004, 2006, 2009, and 2017

☐ 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: NRCS Websoil Survey, Valley County, 1981

☒ USFWS NWI maps: Map derived from colored infrared, Dated 1980's, Scale 1:58K, https://www.fws.gov/wetlands/Data/Mapper.html

☒ USGS topographic maps: Lake Fork, 7.5 Minute, Quadrangle Map, 1973; and, Donnelly, 7.5 Minute, Quadrangle Map,1986

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Mud Creek, Stream Stats Report, January 25, 2021; Hydrography Data Sets; and, USGS Stream Gauge Data
USDA Sources	NRCS Hydric Soil Soils in the United States, Version 7.0, 2010
NOAA Sources	N/A.
USACE Sources	2018 National Wetland Plant Inventory List; and, *Western Mountains, Valleys, and Coast Regional Supplement, May 2010 to the 1987 Delineation Manual*
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): *N/A. A wetland delineation was performed within the define project limits, employing the 1987 Corps of Engineers Wetland Delineation Manual and Western Mountains, Valleys, and Coast Regional Supplement, May 2010. Points along the defined transects were flagged and professionally surveyed by a licienced land surveyor in the state of Idaho. The annual precipitation averages 25 inches within this watershed. Mud Creek, at the project location, is considered an intermittent stream. Mud Creek receives water from snowmelt and rainfall events. The drainage area is 0.15 square miles.There is no need to perform typical year assessment based on these rationales.*

C. Additional comments to support AJD:

Additional information about Mud Creek: Mud Creek is a natural creek which has had significant physical alterations from agricultural practices during the past 150+ years. Flows are supplemented downstream of the reviewed area with irrigation wastewater return from Lake Irrigation District Canal. (The Lake Irrigation District Canal receives water from Little Payette Lake via Lake Fork River.) Mud Creek is considered a perennial channel from supplemental irrigation waste water an estimated 0.50 miles downstream of the reviewed area within ½ South, Section 33, Township 18 North, Range 3 East, B.M. The Creek, however, is considered an intermittent channel from ½ North, Section 33, Township 18 North, Range 3 East, B.M. to the headwaters in ½ North, Section 28, Township 18 North, Range 3 East, B.M. The drainage basin of Mud Creek is estimated at 0.15 square miles and the mean annual precipitation (snowfall and rain) within the drainage is estimated at 25.0 inches per year. The 7-day, 10-year output from StreamStats was used to estimate low flows within the drainage using regression analysis. The USGS StreamStats reported an estimated average 7-day flow at the lowest flow of 10 years at 0.0000106 cubic feet per second. The 2- and 10-year output from StreamStats was used to estimate peak flows within the drainage. StreamStats

reported that the 2-year peak flow was estimated at 0.724 cubic feet per second and 10-year peak flow was estimated at 1.32 cubic feet per second. Currently, a natural channel with bed and bank can be observed via Google Earth aerial near Lat 44°51'40.89" Long -116° 05' 48.63").

Hydrologic surface connection flow: Mud Creek and wetlands abutting and touching Mud Creek flow directly into Lake Cascade, which flows into the North Fork Payette River, which merges with the South Fork Payette River to form the mainstem Payette River. The mainstem Payette River flows directly into the Snake River, below River Mile 445.5. The Snake River below River Mile 445.5 is considered to be a traditional navigable water under Section 10 of the Rivers and Harbors Act of 1899 (1932 Amendment).

Downstream flow duration:Topo maps, USGS Hydrography dataset, USGS stream gauges (13245000; 13246000, North Fork Payette River; and 13247500,Confluence of South Fork and North Fork Payette Rivers; 13249500; and 13250000 Mainstem Payette River) and aerial imagery show the river reaches of the North Fork, South Fork and mainstem Payette Rivers merging and leading to the confluence of the Snake River, Section 10 water, as perennial waterways.

Additional Information about Lake District Canal and the 10 Unnamed Earthen Irrigation Ditches: The private land has historically been used for agriculture and grazing. A total of 10 man-made earthen irrigation, supply ditches have been built throughout the upland/artificially irrigated wetland areas, all directly connected to the Lake Irrigation District Canal. The man-made irrigation ditches are trapezoidal: approximately 1 foot deep, with a 6" width at the bottom and a 18" width at the top. USGS water data records show established water records beginning in 1926 for the Lake Irrigation District Canal. Water flows from the Little Payette Lake into Lake Fork River and then into the Lake Irrigation District Canal via a diversion dam at 44°53'46"N, 116°02'23"N. The water is used as irrigation for commercial crops/grazing lands across the valley