



**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): 1/25/2021
 ORM Number: NWW-2020-00534
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Idaho City: Rigby County/Parish/Borough: Madison
 Center Coordinates of Review Area: Latitude 43.945733 Longitude -111.699697

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)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
Canal 1	30 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 reach of the Canal 1 within the review area was constructed in uplands and was not constructed within or relocates an (a)(2) water. Per the topographical maps (dated 1955 and 2020) the reach of Canal 1 within the review area was constructed outside the channel of any tributary. The National Wetland Inventory map support the absences of wetlands occurrence in the constructed footprint of Canal 1 within the review area. USDA soil survey maps also confirms that the reach of Canal 1 in the review area was not constructed in wetlands. The soil survey indicates non-hydric soils within the constructed footprint of Canal 1 (Bannock gravelly loam).
Canal 2	30 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 reach of the Canal 2 within the review area was constructed in uplands and was not constructed within or relocates an (a)(2) water. Per the topographical maps (dated 1955 and 2020) the reach of Canal 2 within the review area was constructed outside the channel of any tributary. The National Wetland Inventory map support the absences of wetlands occurrence in the constructed footprint of Canal 2 within the review area. USDA soil survey maps also confirms that the reach of Canal 2 in the review area was not constructed in wetlands. The soil survey indicates non-hydric soils within the constructed footprint of Canal 2 (Xeric Torrifluents, excessively drained soils).
Canal 3 (South Rigby Canal)	30 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 reach of the Canal 3 within the review area was constructed in uplands and was not constructed within or relocates an (a)(2) water. Per the topographical maps (dated 1955 and 2020) the reach of Canal 3 within the review area was constructed outside the channel of any tributary. The National Wetland Inventory map support the absences of wetlands occurrence in the constructed footprint of Canal 3 within the review

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			area. USDA soil survey maps also confirms that the reach of Canal 3 in the review area was not constructed in wetlands. The soil survey indicates non-hydric soils within the constructed footprint of Canal 3 (Bannock Loam).

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: [Aquatic Resources Delineation Report, US-20, Divided Highway Railroad Crossing ClosureITD Project No. A20\(608\)](#), dated September 24, 2020

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Site photos on sheets 45, 49, 53, and 56 of Aquatic Resources Delineation Report, US-20, Divided Highway Railroad Crossing ClosureITD Project No. A20\(608\), dated September 24, 2020,](#) [Aerial imagery on sheets 21-34 of Aquatic Resources Delineation Report, US-20, Divided Highway Railroad Crossing ClosureITD Project No. A20\(608\), dated September 24, 2020](#)

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: [Aquatic Resources Delineation Report, US-20, Divided Highway Railroad Crossing ClosureITD Project No. A20\(608\), dated September 24, 2020, sheets 37-39 and 41-43](#)

USFWS NWI maps: [Aquatic Resources Delineation Report, US-20, Divided Highway Railroad Crossing ClosureITD Project No. A20\(608\), dated September 24, 2020, sheets 35-36 & 40,](#)

USGS topographic maps: [Driggs Quadrangle topo map, dated 1955, Scale 1:250K; Rigby Quadrangle topo map, dated 2020, Scale 1:24K](#)

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	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [APT output dated January 7, 2021 found the June 2, 2020 delineation to occur in a typical year during normal conditions. The delineation did occur during a mild drought during the dry season.](#)

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)