



**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): [6/7/2021](#)

ORM Number: [NWW-2012-358-I02](#)

Associated JDs: [None](#)

Review Area Location¹: State/Territory: [Idaho](#) City: [NE of Soda Springs](#) County/Parish/Borough: [Caribou](#)

Center Coordinates of Review Area: Latitude [42.749259](#) Longitude [-111.286465](#)

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
AB-092712-1030	1558	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
AB-092712-1120	964	linear feet	(a)(2) Intermittent tributary contributes	See Aquatic Resource Delineation Report

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
HD-072913-1510	1217	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
HD-093012-0320	3515	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
HD-093012-0340	5845	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
HD-093012-1155	418	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report

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
DV-092612-1133-1	0.09	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from	See Aquatic Resource Delineation Report



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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
			an (a)(1)-(a)(3) water in a typical year.	

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
AB-072613-1120	0.03	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	See Aquatic Resource Delineation Report
AB-092712-1052	0.23	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	See Aquatic Resource Delineation Report
DV-092612-1133	0.87	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	See Aquatic Resource Delineation Report
HD-073013-0830	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	See Aquatic Resource Delineation Report

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
AB-071714-1025	0.01	acre(s)	(b)(1) Non-adjacent wetland.	See Aquatic Resource Delineation Report
DV-071614-1130	0.01	acre(s)	(b)(1) Non-adjacent wetland.	See Aquatic Resource Delineation Report
DV-092912-0830	0.01	acre(s)	(b)(1) Non-adjacent wetland.	See Aquatic Resource Delineation Report
DV-092912-0855	0.15	acre(s)	(b)(1) Non-adjacent wetland.	See Aquatic Resource Delineation Report
DV-092912-1120	0.09	acre(s)	(b)(1) Non-adjacent wetland.	See Aquatic Resource Delineation Report
DV-082213-0800	767	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See Aquatic Resource Delineation Report
DV-082213-0930	3061	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See Aquatic Resource Delineation Report

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
DV-082313-1130	620	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
DV-082313-1330	296	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
DV-082313-1350	538	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
DV-092912-0138	62	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
DV-092912-0140	36	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
DV-092912-0240	2353	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
DV-092912-0820a	4797	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
DV-092912-0820b	2728	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See Aquatic Resource Delineation Report
DV-092912-0825	722	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See Aquatic Resource Delineation Report
DV-092912-0830	220	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
DV-092912-0955	141	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	See Aquatic Resource Delineation Report
HD-082713-1115	217	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
HD-092912-0400	1133	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
HD-093012-0205	850	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
HD-093012-0212	1111	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
HD-093012-0240	781	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
HD-093012-0300	49	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See Aquatic Resource Delineation Report
HD-093012-0850	8726	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
HD-093012-1055	993	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
HD-093012-1115	2614	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
HD-093012-1200	1129	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
HD-093012-1230	1118	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
HD-100112-0110	3143	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
HD-100112-0230	558	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
HD-100112-1100	1704	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
HD-100112-1150	2768	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
S21	756	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet	See Aquatic Resource Delineation Report



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			the other (b)(1) subcategories.	
S25	480	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	See Aquatic Resource Delineation Report
DV-092912-0130	0.05	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See Aquatic Resource Delineation Report
DV-092912-0855-1	0.004	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See Aquatic Resource Delineation Report
DV-092912-0855-2	0.07	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	See Aquatic Resource Delineation Report
DV-092912-1120-1	0.04	acre(s)	(b)(1) Lake/pond or impoundment that does not	See Aquatic Resource Delineation Report



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	

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 Husky 1 North Dry Ridge Mine](#); dated January 6, 2020 (actually 2021)

This information is sufficient for purposes of this AJD.

Rationale: [The report compiles data previously collected by Tetra Tech, ground truthing and additional information collected by Arcadis. As such data and information contained in the report span multiple years and involves collection of data during different seasons. This provides a complete picture of site wide aquatic resources at the proposed mine.](#)

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

Photographs: [Aerial and Other: Multiple years of aerial photography, most available publicly via Google Earth. Additionally many ground/site photographs were included with the above delineation report.](#)

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 via Web Soil Survey](#)

USFWS NWI maps: [USFWS via Wetlands Mapper](#)

USGS topographic maps: [1:24K \(Upper Valley\)](#)

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): [See Aquatic Resource Delineation Report](#)



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C. Additional comments to support AJD: Much of the site is at high elevation along ridges that would be mined, as such there were many non-jurisdictional ephemeral streams, dry washes and non-adjacent wetland features.