

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** August 11, 2022

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** CENWW-RD, DOE-INL Spreading Areas

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Idaho County/parish/borough: Butte City: N/A

Center coordinates of site (lat/long in degree decimal format): Lat. 43.4814 °, Long. -113.0753 °

Universal Transverse Mercator: Zone 11 Northing 332168 N, Easting 4816370 E

Name of nearest waterbody: Big Lost River

Name of watershed or Hydrologic Unit Code (HUC): 1704021809; Big Lost River Sinks

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. August 11, 2022  
Date:
- Field Determination.  
Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **are no** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: JD request enclosures 1 and 2
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: USFWS Online Wetland Mapper.
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: *Click here to enter text.*
- 100-year Floodplain Elevation is: N/A (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth Aerial Imagery
- or  Other (Name & Date): *Click here to enter text.*
- Previous determination(s). File no. and date of response letter: NWW-2017-00015, Negative JD Issued June 2, 2017

- Applicable/supporting case law: *Click here to enter text.*
- Applicable/supporting scientific literature: *Click here to enter text.*
- Other information (please specify): USGS Stream Gauge Data, 2017-2022 (INL Diversion at Head Near Arco ID, and Big Lost River BL INL DIV near Arco ID).

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** This Jurisdictional Determination (JD) is a re-evaluation of a previous Negative JD which has since expired. The previous consideration and justification is as follows;

“The INL Spreading Areas infrequently pond flood waters of the Big Lost River. Man-made channels and a diversion structure was constructed in 1958 to divert water from the Big Lost River into the desert containing the four depressions identified as Spreading Areas A through D. The Spreading Areas dissipate flooding of the downstream DOE facilities which lie within the historic floodplains of the Big Lost River. Flows from the Big Lost River into Spreading Areas are infrequent and of short duration. Accordingly the Spreading Areas are normally dry and lack an ordinary high water mark. Further they do not support wetlands. Therefore, the Spreading Areas are considered drylands (uplands) that do not contain waters of the U.S., including wetlands, under the Corps’ regulatory jurisdiction and thus are not subject to regulation under Section 404 of the Clean Water Act. The DOE proposal to excavate sediment from these areas with subsequent discharges of dredged and fill material into the Spreading Areas does not require a DA permit.”

The requestor has provided additional information regarding the frequency of inundation within the spreading areas since the last time it was assessed in 2017. Conditions within the assessed area have not changed since the previous determination, and the last time they were inundated with water was during winter 2018. Given the previous considerations, and information provided, the Corps has determined that the subject review area is still considered Dry Land (Uplands) and is not considered a waters of the United States, including wetlands subject to regulation under Section 404 of the Clean Water Act.