

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**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): September 16, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Walla Wall District, Husky 1 North Dry Ridge Mine Project, NWW-2012-00358-I02**

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

State: Idaho County/parish/borough: Caribou City: near Soda Springs  
Center coordinates of site (lat/long in degree decimal format): Lat. 42.73282 °, Long. -111.30854 °  
Universal Transverse Mercator: UTM Zone 12, Northing 4731191.76, Easting 474742.71  
Name of nearest waterbody: Dry Valley Creek  
Name of watershed or Hydrologic Unit Code (HUC): 17040207 (Blackfoot)

- 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. Date: December 15, 2022  
 Field Determination. Date(s): [Click here to enter a date.](#)

**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: Figure 1 of Addendum Request dated 31 August 2022 and additional addendum information provided on 15 November 2022.  
 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: [Click here to enter text.](#)  
 U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)  
 USGS NHD data.  
 USGS 8 and 12 digit HUC maps.  
 U.S. Geological Survey map(s). Cite scale & quad name: 1:24K (Dry Valley)  
 USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS (Web Soil Survey Website)  
 National wetlands inventory map(s). Cite name: USFWS (Wetlands Mapper Website)  
 State/Local wetland inventory map(s): [Click here to enter text.](#)  
 FEMA/FIRM maps: [Click here to enter text.](#)  
 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodetic Vertical Datum of 1929)  
 Photographs:  Aerial (Name & Date): Multiple (Google Earth and ORM)  
 or  Other (Name & Date): Ground photographs provided on 31 Aug 2022 and 15 Nov 2022 by the agent for the project proponent.  
 Previous determination(s). File no. and date of response letter:  
 Applicable/supporting case law: [Click here to enter text.](#)  
 Applicable/supporting scientific literature: [Click here to enter text.](#)  
 Other information (please specify): [Click here to enter text.](#)

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** The northern project addendum area is clearly upland based on review of aerial photography, soil survey information, and NWI maps. Additionally the abutting area was previously determined upland as part of the 2019-2022 delineations for the larger project.

The southern project addendum area, on initial review, appears to contain a small channel running toward Dry Valley Creek when viewed on certain years of aerial photography. A few years of aerial photography and the NWI maps also suggest possible wetlands adjacent to this channel. However, the soil survey and on-site soil profiles (provided by the agent) do not support this determination. Additionally, the agent has indicated that there is no evidence of a channel on-site. The wetland depicted on NWI maps and appearing as a wetted signature on some aerial photographs was not determined to be wetland as part of the previous (2019-2022) delineations for adjacent areas on the larger project. While the area may contain enough moisture to show as slightly wetted on certain aerial photographs it is likely that this area is not wetted frequently enough or for long enough duration to form hydric soils and for hydrophytic vegetation to manifest.