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): November 18th, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Walla Walla District; NWW-2022-00275; Nampa Paving, Jurisdictional Determination Request, Boise River

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Idaho County/parish/borough: Canyon City: Caldwell
Center coordinates of site (lat/long in degree decimal format): 43.680° Lat. -116.574° Long.
Universal Transverse Mercator: Zone 11, Northing 4836503.265, Easting 534314.705
Name of nearest waterbody: Boise River
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Boise River
Name of watershed or Hydrologic Unit Code (HUC): 17050114

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are 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: November 10th, 2022
☒ Field Determination. Date(s): June 20th, 2022

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. [*Required*]

☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply): [1]

☐ TNWs, including territorial seas
☒ Wetlands adjacent to TNWs
☒ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
☐ Non-RPWs that flow directly or indirectly into TNWs
☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
☐ Impoundments of jurisdictional waters
☐ Isolated (interstate or intrastate) waters, including isolated wetlands

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

b. Identify (estimate) size of waters of the U.S. in the review area:
Non-wetland waters:
Unnamed "main irrigation ditch" 1,893 linear feet; 12 width (ft.) and 0.52 acres.
Franklin Ditch 1,967 linear feet, 10 width (ft) and 0.45 acres
Wetlands:
Palustrine Emergent Wetland, wetland fringe, "main irrigation ditch", 0.52acres.

Portions of WL001 west of the upland break/constructed crossing, WL003, WL005 & WL006, Palustrine Emergent Wetland, abutting, Boise River, 0.749 acres.
Portions of WL001 east of the upland break/constructed crossing, WL002, WL004, WL007 and WL008, 0.59 acres
WL008 was originally included in the delineation, but the entirety of this feature is outside of the project review area,

c. Limits (boundaries) of jurisdiction based on **1987 Manual**
Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):[3]

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: The review area encompasses a portion of a property which has historically been flood-irrigated and utilized for agriculture purposes.

Unnamed Irrigation Ditches: Approximately 4,752 linear feet of local flood irrigation ditches have been, constructed in uplands within the site. These ditches are "feeder lines" which terminate across the property and are manually controlled by backing up water from the primary irrigation features. These features are proposed to be abandoned upon development. These "secondary lateral" ditches are considered non-tidal drainage and irrigation ditches excavated on dry land and are non-jurisdictional features.

Irrigation Induced Wetlands: Portions of WL001, and the entirety of WL002, WL004, WL007 and WL008 and the delineated wetland fringe along Franklin Ditch within the review area were determined upon review of all available information, including a site visit conducted on June 20th, 2022, to be irrigation induced features. USGS soils data and maps suggest that the predominant soil composition in these areas is Moulton fine sandy loam which are considered non-hydric. Portions of the property that are of similar elevation and geomorphic position are uplands, and it was confirmed on site the hydrology is exclusively sustained by the flood irrigation practices within these areas. In consideration of this information, we have determined that the Portions of WL001 east of the constructed upland crossing, WL002, WL004, WL007 and WL008 and the wetland fringe along Franklin Ditch are artificially irrigated areas which would revert to upland if the irrigation ceased, and therefore we have determined that these wetlands are considered non-jurisdictional features.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only, if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
Identify TNW**:** Boise River

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent":

[3] Supporting documentation is presented in Section III.F.

Wetlands 003, 005 and 006 are comprised of 0.33 acres, collectively, of Freshwater Emergent (PEM) wetlands that abut the Boise River. The Boise River is a perennial traditionally navigable waterway which is located adjacent too, but outside the review area. National Wetland Inventory (NWI) map, aerial imagery, and observation during a site visit identified Freshwater Forested/Shrub (PFO) wetlands abutting (bordering and contiguous) the Boise River which connect to the Freshwater Emergent (PEM) wetlands. Field Verification of the delineation observed these to be a contiguous drainage with two forks which combine and are directly connected to the Boise River.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: The project area has been manipulated by historical agricultural practices and is bisected and bound by constructed and manipulated features to the east and south. The RPW being assessed is an old overflow channel of the Boise River called the "main irrigation ditch", which is primarily utilized to convey irrigation water. These features flow unconfined to the west to join the greater Boise River Channel.

Watershed size: <1 square mile
Drainage area: <1 square mile
Average annual rainfall: 10 inches
Average annual snowfall: 16 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☒Tributary flows directly into TNW.
☐Tributary flows through **0** tributaries before entering TNW.
Project waters are **1 (or less)** river miles from TNW.
Project waters are 1 **(or less)** river miles from RPW.
Project waters are **1 (or less)** aerial (straight) miles from TNW.

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Project waters are (**1 or less)** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: The unnamed "main irrigation ditch" does not cross the Idaho State boundary.
Identify flow route to TNW[5]: The unnamed "main irrigation ditch" generally flows in an east to west orientation across the project area for 0.54 river miles until it converges with the Boise River beyond the western-most boundary of the review area.
Tributary stream order, if known: The unnamed "main irrigation ditch" is a primary tributary which flows directly into the Boise River.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☒Natural. The tributary is an old overflow channel within the greater Boise River floodplain. Evidence of natural inundation and backwater influence was observed through aerial imagery.

☐Artificial (man-made). Explain:

☒Manipulated (man-altered). Explain: The property has historically been utilized for agricultural purposes. There are several constructed irrigation features that run along the southern and southeastern boarders of the review area as well as several constructed user ditches that terminate within the review area. A portion of the Franklin Ditch connects to and provides irrigation water to the eastern extent of the unnamed "main irrigation ditch" and likely a portion of the eastern reach of that feature has been manipulated to facilitate flood irrigation throughout the property.

Tributary properties with respect to top of bank (estimate):
Average width: **10 feet**
Average depth: **2 feet**
Average side slopes: **2:1**

Primary tributary substrate composition (check all that apply):

☒ Silts	☒ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover:	
☐ Other. Explain:		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Tributary has been maintained for agricultural uses and to ensure flows are unobstructed through connected irrigation features. Tributary appears incised with stable banks.
Presence of run/riffle/pool complexes. Explain: N/A
Tributary geometry: **Relatively Straight**
Tributary gradient (approximate average slope): 2 %

(c) Flow:
Tributary provides for: **Seasonal flow, and backwater influence during high flow events.**
Estimate average number of flow events in review area/year: **1**
Describe flow regime:
Other information on duration and volume:
Surface flow is: **Confined.** Characteristics:
Subsurface flow: **Unknown**. Explain findings:
☐ Dye (or other) test performed:
Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[6] (check all indicators that apply):

☒	clear, natural line impressed on the bank	☐	the presence of litter and debris
☐	changes in the character of soil	☒	destruction of terrestrial vegetation
☐	shelving	☐	the presence of wrack line

[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

☐ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community:
☐ other (list):
☐ Discontinuous OHWM.[7] Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):
☐ High Tide Line indicated by: ☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum.
☐ fine shell or debris deposits (foreshore) ☐physical markings.
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: Unknown
Identify specific pollutants, if known: Unknown

(iv) Biological Characteristics. Channel supports (check all that apply):
☐ Riparian corridor. Characteristics (type, average width):
☒ Wetland fringe. Characteristics: Common Emergent Wetland plants.
☐ Habitat for:
☐ Federally Listed species. Explain findings:
☐ Fish/spawn areas. Explain findings:
☐ Other environmentally-sensitive species. Explain findings:
☐ Aquatic/wildlife diversity. Explain findings:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:
(a) General Wetland Characteristics:
Properties:
Wetland size: 0.939 acres
Wetland type. Palustrine Emergent wetlands abutting “main irrigation ditch” 0.939 (including western portion of WL001.
Explain: PEM wetland are contiguous to the “main irrigaiton ditch”. WL001 is a branch of the overall drainage which makes up the main irrigation ditch. The upper extent has been bisected by upland fills and is at a higher elevation and are not included in this section.
Wetland quality. Explain: Wetland consist of common emergent wetlands, with monotype vegetation which has been degraded by agriculatural uses, specifically grazing.
Project wetlands cross or serve as state boundaries. Explain: N/A

(b) General Flow Relationship with Non-TNW:
Flow is Perennial. Explain: Hydrology is provided through connection to the Boise River on the western extent. Aerial imagery shows at least some flows year-round throughout the full extent of the feature.
Surface flow is**: Discrete and Confined**
Characteristics: The wetland fringe along the unnamed “main irrigation ditch” is confined to the banks of the feature. There is a wetland finger which extends to the southeast and is contiguous and neighboring to the unnamed “main irrigation ditch”.
Subsurface flow: **Unknown**. Explain findings: N/A

[7]Ibid.

☐ Dye (or other) test performed: N/A

(c) Wetland Adjacency Determination with Non-TNW:
☒ Directly abutting
-Palustrine Emergent wetlands abutting “main irrigaiton ditch” 0.064 acres.
☐ Not directly abutting
☐ Discrete wetland hydrologic connection. Explain:
☐ Ecological connection. Explain:
☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW
Project wetlands are **1 (or less)** river miles from TNW.
Project waters are **1 (or less)** aerial (straight) miles from TNW.
Flow is from: **Wetland to navigable waters**.
Estimate approximate location of wetland as within the demarcated floodway and **100-year** floodplain.

(ii) Chemical Characteristics:
Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Unknown
Identify specific pollutants, if known: Unknown

(iii) Biological Characteristics. Wetland supports (check all that apply):
☐ Riparian buffer. Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
☐ Habitat for:
☐ Federally Listed species. Explain findings:
☐ Fish/spawn areas. Explain findings:
☐ Other environmentally-sensitive species. Explain findings:
☐ Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in the cumulative analysis: **2**
Approximately 0.064 acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Y	0.52		
Y	0.419		

Summarize overall biological, chemical, and physical functions being performed: Common floodplain functions and minor habitat characteristics.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than

a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS
THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: linear feet; width (ft); or, acres.
   - ☒ Wetlands adjacent to TNWs: 0.33 acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: The Main Irrigation ditch, receives water from irrigation facilities, during the irrigation season, is influenced by a shallow water table relative to depth, and received backwater inundation during high flow events.
   - ☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: The Franklin Ditch is an Irrigation Supply and Return Ditch, which borders the southern portion of the review area. The Franklin Ditch receives irrigation water throughout the water year from the Boise River and returns water back to the Boise River April through October.

     Provide estimates for jurisdictional waters in the review area (check all that apply):
     - ☒ Tributary waters: 2314 linear feet; 10 width (ft).
     - ☐ Other non-wetland waters: acres.

Identify type(s) of waters:

3. Non-RPWs[8] that flow directly or indirectly into TNWs.

☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet; width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

☒ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: The wetlands fringe abutting the Main Irrigation Ditch and Portions of WL001 which are a contiguous drainage to the Main Irrigation Ditch.

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

☐ Wetlands adjacent to such waters and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.[9]

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED WATERS [INTERSTATE OR INTRA-STATE], INCLUDING ISOLATED WETLANDS THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ which are or could be used for industrial purposes by industries in interstate commerce.

☐ Interstate isolated waters. Explain:

☐ Other factors. Explain:

Identify water body and summarize rationale supporting determination:

[8]See Footnote # 3.

[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet; width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters:
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS
(check all that apply):
☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
☒ Other: (explain, if not covered above): Portions of WL001, WL002, WL004, WL007, WL008 and the delineated wetland fringe along the Franklin Ditch identified within the review area are artificially irrigated and would revert to upland if the irrigation ceased.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet; width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource:
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet; width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource:
☐ Wetlands: acres.

SECTION IV: 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: May 2022 Delineation Report, July 2022 Supplemental Report, and November 2022 Supplemental Corrections
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☒ Office concurs with data sheets/delineation report. The Corps concurs with the identification of aquatic resources and the general character and location of resources within the site.
☒ Office does not concur with data sheets/delineation report. A segment of the western portions of WL001 is identified as non-wetland drainage connecting delineated wetlands with the "Main Irrigation Ditch" and it's abutting wetlands. The Area has been heavily altered and soil pits/sample points were not completed at this segment. Review of historical imagery, elevation topography and geomorphic position does not support a change in character between the delineated wetlands on either side of this segment and therefore the Corps considers all this section of WL001 to be a contiguous wetland.
☐ Data sheets prepared by the Corps:
☐ Corps navigable waters' study:
☐ 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: USGS Quad Map 1:24K Middleton, ID
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: USDA Web Soil Survey
- ☒ National wetlands inventory map(s). Cite name: USFWS Online Wetland Mapper
- ☐ State/Local wetland inventory map(s):
- ☒ FEMA/FIRM maps: Canyon County Flood Zones Map
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth (May 1992; July 1999; October 2002; June 2005; June 2007; July 2010; April 2013; April 2016; June 2017; August 2017; May 2020; August 2021); Digital Globe (April 2022; May 2022; July 2022)
  or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): 2017 High resolution IR, Lidar, USACE

B. ADDITIONAL COMMENTS TO SUPPORT JD: The review area encompasses a lower bench of the Boise River Floodplain. The property and adjacent areas have historically been utilized for agriculture, and canals, drains, and feeder ditches have been constructed and maintained along the southern and eastern boundary as well as throughout the property. Delineated wetlands were located within prominent drainage patterns at lower relative elevations, or within low depressional areas. Delineated wetlands not abutting the drainage patterns were observed to be receiving irrigation sheet flow, and adjacent grounds not receiving irrigation water of a similar elevation and geomorphic position were uplands. These features were determined to be irrigation induced and not jurisdictional. Additionally, the delineated wetland fringe along the Franklin Ditch is also determined to be irrigation induced and not jurisdictional. The delineation occurred during a generally low water year, although during the growing season. Irrigation had already been turned on, and cattle had influenced vegetation and created hummocky breaks within the drainages. Jurisdictional features were determined to be limited to natural drainage patterns which contiguously connect to the Boise River, and informed by the delineation, site visit, and use of air photo interpretation, Lidar, and Infrared Flyover.