

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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): October 6, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Walla Walla District, Idaho Falls Regulatory Office, Bidache, Inc. – Request for JD, NWW-2022-247-103

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Idaho County/parish/borough: Teton City: Driggs
Center coordinates of site (lat/long in degree decimal format): Lat. 43.712719 °, Long. -111.109814 °
Universal Transverse Mercator: Zone 12T, 491182.52 m E, 4839975.65 m N
Name of nearest waterbody: Teton Creek
Name of watershed or Hydrologic Unit Code (HUC): HUC12 – Teton Creek

- 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: October 6, 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: Map provided in wetland delineation, titled “Figure 2: Wetland Delineation Sample Points & Photos” (June 01, 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: USGS TopoView 1:24K, Driggs, ID
 USDA Natural Resources Conservation Service Soil Survey. Citation: USDA-NRCS Web Soil Survey, Hydric Rating by Map Unit
 National wetlands inventory map(s). Cite name: USFWS National Wetlands Inventory, Wetlands Mapper
 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): Google Earth (7/2016 and 10/2021)
 or Other (Name & Date): [Click here to enter text.](#)
 Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
 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.](#)

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:

The request for an Approved Jurisdictional Determination was submitted with a wetland delineation that had been performed on the property between late October 5, 2021 and May 25, 2022. A total of three data points were collected; one data point was collected in the agricultural meadow and two data points were collected in the forested part of the review area. The agricultural meadow is identified as uplands and the forested area is identified as wetlands on the National Wetlands Inventory (NWI) Wetlands Mapper. The data collected at each of the three sample points did not identify any wetlands, even within the NWI mapped wetlands. As mentioned in the

¹ 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.

wetland delineation, vegetation within the review area was dominated primarily by facultative to upland species, including aspen, black hawthorn, common snowberry, and smooth brome. Additionally, the soil profiles at each of the sample points did not show any signs of hydric indicators, and no saturation or wetland hydrologic indicators were present. Upon request of the City of Driggs, Alder Environmental revisited the site during spring 2022 peak stream flows and confirmed the absence of wetland hydrology.

Although there are NWI mapped wetlands and aerial imagery does appear to show some wet signatures on parts of the review area, it appears that there are no indicators that wetlands are supported. The agricultural meadow appears to be highly altered by previous and ongoing land uses, which possibly includes agricultural activities including mowing of vegetation. The review area is surrounded by residential development to the north and east, and a state highway directly bordering the property to the west. If hydrology at one time supported wetlands on the property, the development of homes and roads would likely not allow the hydrology to access the property anymore. It appears that the review area is comprised entirely of uplands, and therefore the US Army Corps of Engineers would not have any jurisdiction within the review area.