

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): August 25, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Walla Walla District, Idaho Falls Regulatory Office, “Abegglen JD Request”, NWW-2022-147-I03

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Idaho County/parish/borough: Fremont City: Saint Anthony
Center coordinates of site (lat/long in degree decimal format): Lat. 43.925394 °, Long. -111.669056 °
Universal Transverse Mercator: Zone 12T, 446295.01 m E, 4863805.72 m N
Name of nearest waterbody: Teton River
Name of watershed or Hydrologic Unit Code (HUC): Farmers Friend Canal-Lower Teton River (HUC-12)

- 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: July 8, 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: [Click here to enter text.](#)
 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 (Saint Anthony, 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 (9/2015, 10/2014, and 7/2012)
 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 review area comprises land that has historically been used for agricultural uses, specifically grazing and pasture use. Aerial imagery and a site visit conducted by Corps staff on July 7, 2022 suggests that the subject land is

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.

uplands with little to none topographic break within the review area. The site visit showed that, although likely highly altered by human activities, the dominant vegetation is upland species consisting primarily of grasses. Although National Wetlands Inventory (NWI) maps show the presence of some emergent wetlands, there are no other indications of wetlands being present; any wet signatures found on aerial imagery are likely from annual irrigation practices on the subject property.

There are two small irrigation ditches within the review area that are diverted from a larger canal (Middle Branch Fall River Canal) just to the north of the subject site. For the purpose of this jurisdictional determination, they have been named "Ditch A" (the ditch on the most western part of the property) and "Ditch B" (the ditch that runs diagonally across the property). Review of aerial imagery from Google Earth indicates that at least portions of Ditch A was excavated as recent as 2013; Ditch B seems to have been constructed for longer and pre-dates the available aerial imagery. These two irrigation ditches were constructed for the purpose of providing irrigation water to the subject land. Both irrigation ditches were excavated in uplands and do not have a downstream connection to a larger Waters of the U.S. Aerial imagery clearly shows the terminus of both ditches on the subject land. The two irrigation ditches on the subject property meet the qualifications for the category of waters not considered jurisdictional, which are clarified in the preamble of the November 13, 1986 Federal Register (51 FR, 41217). The specific category of non-jurisdictional waters outlined in Section 328.3 of the 1986 Federal Register that these ditches fall under are "(a) non-tidal drainage and irrigation ditches excavated on dry land".