



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
WALLA WALLA DISTRICT, CORPS OF ENGINEERS  
IDAHO FALLS REGULATORY OFFICE  
900 NORTH SKYLINE DRIVE, SUITE A  
IDAHO FALLS, IDAHO 83402-1700

**November 13, 2023**

Regulatory Division

SUBJECT: NWW-2023-00513

To whom it may concern:

Enclosed is our Department of Army (DA) Approved Jurisdictional Determination (AJD) that there are no waters of the United States, including wetlands, within your proposed project area. Therefore, no DA authorization is required. This decision is based upon our review of the information you provided and additional information available to our office. Your project site is located within Section 21 of Township 10 North, Range 36 East, near latitude 44.176688° N and longitude 112.233706° W, in Clark County, in Dubois, Idaho. Your request has been assigned file number NWW-2023-00513, which should be referred to in future correspondence with our office regarding this site.

The DA exerts regulatory jurisdiction over waters of the United States (U.S.), including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Section 404 of the Clean Water Act requires a DA permit be obtained prior to discharging dredged or fill material into waters of the U.S., which includes most perennial and intermittent rivers and streams, natural and man-made lakes and ponds, irrigation and drainage canals and ditches that are tributaries to other waters, and wetlands. Section 10 requires that a DA permit be obtained prior to building structures or conducting work in or affecting navigable waters of the U.S.

The proposed project area, as shown on the attached map is upland land that does not contain waters of the U.S., including wetlands, under the Corps' regulatory jurisdiction. Therefore, a DA authorization is not required to develop the upland property.

This approved JD is valid for a period of 5-years from the date of this letter, unless new information supporting a revision is provided to this office before the expiration date. Also enclosed, you will find the Approved Jurisdictional Determination Form

addressing wetlands and waters of the U.S. located within the JD review area, and a *Notification of Administrative Appeals Options and Process and Request for Appeal Form* (RFA) regarding this DA Approved Jurisdictional Determination. Should you disagree with certain terms and/or conditions this Approved JD, the Notification of Administrative Appeal Options form outlines the steps to take to file your objection. Please note, the RFA form must be received by the Northwest Division Office no later than January 12, 2024.

Nothing in this letter shall be construed as excusing you from compliance with other Federal, state, or local statutes, ordinances or regulations which may affect this work.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. Please visit us online at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey) and complete an electronic version of our Customer Service Survey form, which will be automatically submitted to us. Alternatively, you may call and request a paper copy of the survey, which you may complete and return to us by mail. For additional information about our Regulatory program please visit us at <http://www.nww.usace.army.mil/BusinessWithUs/RegulatoryDivision.aspx>. Your responses are appreciated and will allow us to improve our services.

If you have any questions about this determination, please contact me by telephone at 208-522-1676, by mail at the address in the above letterhead, or via email at [Caleb.J.Williams@usace.army.mil](mailto:Caleb.J.Williams@usace.army.mil). We appreciate your cooperation with the Corps of Engineers' Regulatory Program.

Sincerely,

Caleb Williams  
Project Manager, Regulatory Division

Enclosures:

Project Area Map  
Approved JD Form  
Notification of Administrative Appeal Options and Request for Appeal Form

