



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

REPLY TO
ATTENTION OF

January 3, 2024

Regulatory Division

SUBJECT: NWW-2023-00444

[REDACTED]

Enclosed is our Department of Army (DA) Approved Jurisdictional Determination (AJD) indicating there are waters of the United States, including wetlands, within your client's proposed project area. This decision is based upon our review of the information you provided and additional information available to our office. The proposed project site is located at the corner of 5500 S and 2000 W, within Section 28 of Township 4 North, Range 45 East, near latitude 43.644067° N and longitude 111.148762° W, in Teton County, near Victor, Idaho. Your request has been assigned file number NWW-NWW-2023-00444, which should be referred to in future correspondence with our office regarding this site.

The wetland boundary, as shown on the attached Aquatic Resources Inventory, prepared by Intermountain Aquatics, dated November 29, 2022, has been approved. This decision is based upon the U.S. Army Corps of Engineers' 1987 Wetland Delineation Manual and Interim Western Mountains, Valleys, and Coast Regional Supplement to the 1987 Delineation Manual.

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 Memorandum for Record (MFR) 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 your client disagree with certain terms and/or conditions of this DA Approved JD, the Notification of Administrative Appeal Options form outlines the steps to take to file an objection. Please note, the RFA form must be received by the Northwest Division Office no later than February 16, 2024.

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. 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.

Please be advised that discharges considered placement of dredged or fill material under our jurisdiction may include those associated with mechanized land-clearing involving vegetation removal with equipment such as front-end loaders, backhoes, or bulldozers with sheer blades, rakes, or discs, windrowing of vegetation, land leveling, or other soil disturbances in wetlands and excavation activities which result in a discharge of dredged material that destroys or degrades a Waters of the United States.

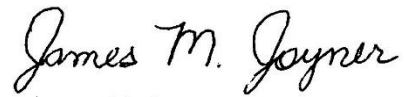
This delineation has been conducted to identify the limits of the Corps' Clean Water Act jurisdiction for the particular site identified in this request. This delineation may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U. S. Department of Agriculture (USDA) program participants, or anticipate participation in the USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

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 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.usace.army.mil/BusinessWithUs/RegulatoryDivision.aspx>. Your responses are appreciated and will allow us to improve our services.

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. 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.

Sincerely,

A handwritten signature in black ink that reads "James M. Joyner". The signature is written in a cursive style with a large, prominent 'J'.

James M. Joyner
Chief, Upper Snake and Idaho Panhandle
Branch, Regulatory Division

Enclosures:

Memorandum For Record (MFR) Detailing Waters of the US (WOTUS)
Trachtenberg Aquatic Resources Inventory
Notification of Administrative Appeal Options and Request for Appeal Form

Aquatic resources presented in this report were delineated according to the 1987 manual, subsequent memorandums and the 2010 Western Mountains, Valleys & Coast supplement. The Western Mountains, Valleys & Coast 2020 Regional Wetland Plant List (US Army Corp of Engineers) was used to determine plant indicator status. Soils were classified using the NRCS Field Indicators of Hydric Soils in the United States (version 8.0, 2016).

Waters of the U.S. identified included 17.6 acres of wetlands, 0.5 acres of streams, and 0.01 acres of ditch within the 22 acre area of interest (AOI).

The dominant hydrologic influence within the AOI is high groundwater.

