

**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 1, 2017

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Walla Walla District; NWW-2017-599-B03, The Edge Resort, Middle Fork Payette River

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** Formal delineation performed on 28,444-acre area to facilitate the construction of an eco-resort and wetland restoration project. The development of the resort and wetland restoration project are separate, stand-alone projects, which have independent utility. The eco-resort is a private venture. After wetland restoration activities are completed, third party will manage the wetlands through a formal conservation easement.

State: Idaho County/parish/borough: Boise City: near the community of Crouch  
Center coordinates of site (lat/long in degree decimal format): 44.1031° Lat. -115.9900° Long.  
Universal Transverse Mercator: Zone 11 Northing 580838 **N**, Easting 4883817 **E**.

Name of nearest waterbody: Middle Fork Payette River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Snake River

Name of watershed or Hydrologic Unit Code (HUC): 17050120

- 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 1, 2017  
 Field Determination. Date(s):

**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):<sup>1</sup>**

- TNWs, including territorial seas  
 Wetlands adjacent to TNWs  
 Relatively permanent waters<sup>2</sup> (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

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or 28,444 acres.  
Wetlands: 4,782 acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known): N/A.

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: .

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> 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).

<sup>3</sup> Supporting documentation is presented in Section III.F.



**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: .

Summarize rationale supporting determination: .

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”:

**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<sup>4</sup> 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:**

Watershed size: **square miles**  
Drainage area: **acres**  
Average annual rainfall: inches  
Average annual snowfall: inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

- Tributary flows directly into TNW.
- Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.  
Project waters are **Pick List** river miles from RPW.  
Project waters are **Pick List** aerial (straight) miles from TNW.  
Project waters are **Pick List** aerial (straight) miles from RPW.  
Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW<sup>5</sup>: .  
Tributary stream order, if known: .

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> 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.



(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): .
- Wetland fringe. Characteristics: .
- 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:        acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: .

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** 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: .

Identify specific pollutants, if known: .

(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: **Pick List**

Approximately (        ) 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)

Summarize overall biological, chemical and physical functions being performed:

### 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:      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: 1) In regards to PSS #2: A perennial unnamed spring (>3 months) flows across the Banks-Lowman Road by way of a CMP culvert, which traverses parallel alongside the property boundary of the Boise County Shop. The unnamed spring flows directly into the Middle Fork Payette River. This waterway has been channelized. The Middle Fork Payette River merges with the South Fork Payette River, which merges with the North Fork Payette River to form the main stem Payette River. The Payette River flows directly into the Snake River, below River Mile 445.5. The Snake River is considered a traditional navigable water under Section 10 of the Rivers and Harbors Act of 1899. Therefore, the unnamed spring is considered a tributary to the Snake River and thus is regulated under Section 404 of the Clean Water Act. 2) In

Reference to PEM #9 and PEM #4: A perennial unnamed spring (>3 months) near the vicinity of Blue Shadow Drive flows across the Banks-Lowman Road by way of a CMP culvert. This waterway is supplemented with surface flows (snow melt/spring water) from a pipe crossing near the fire station on the Banks-Lowman Road. Water from this crossing discharges into the unnamed spring near a pole barn on the referenced parcel of property. The unnamed spring has been channelized by agricultural and development activities, and traverses in a southerly direction along several pole barns and eventually discharges directly into the Middle Fork Payette River. The Middle Fork Payette River merges into the South Fork Payette River, which merges into the North Fork Payette River to form the main stem Payette River. The Payette River flows directly into the Snake River, below River Mile 445.5. The Snake River below River Mile 445.5 is considered a traditional navigable water (TNW) under the Rivers and Harbors Act of 1899. Therefore, the unnamed spring is considered a tributary to the Snake River and thus is regulated under Section 404 of the Clean Water Act. 3) In Reference to PEM #5: A remnant unnamed perennial spring and/or remnant man-made ditch (a.k.a. East Fork Channel) merges into the main stem of a channelized, perennial unnamed spring. The main stem of the unnamed spring flows directly into the Middle Fork Payette River, which merges into the South Fork Payette River. The South Fork Payette River merges with the North Fork Payette River to form the main stem Payette River. The Payette River flows directly into the Snake River, below River Mile 445.5. The Snake River, below River Mile 445.5 is considered a traditional navigable water (TNW) under the Rivers and Harbors Act of 1899. Therefore, the East Fork Channel of the unnamed perennial spring is considered a tributary to the Snake River and thus, is regulated under Section 404 of the Clean Water Act. 4) In Reference to PEM #3: The perennial unnamed spring which originates near Blue Shadow Drive, water is supplemented by a cross culvert near the fire station and the East Fork Channel to form the mainstem perennial stream channel, which directly flows into the Middle Fork Payette River. The Middle Fork Payette River merges with the South Fork Payette River. The South Fork Payette River merges with the North Fork Payette River to form the main stem of the Payette River. The Payette River flows directly into the Snake River, below River Mile 445.5. The Snake River below River Mile 445.5 is considered a traditional navigable water under Section 10 of the Rivers and Harbors Act of 1899. Therefore, the unnamed perennial spring channel is a tributary to the Snake River and thus is regulated under Section 404 of the Clean Water Act. 5) In Reference to PEM #1: An unnamed irrigation ditch that traverses in a northwest to southwest direction, located near the center of the referenced parcel of property flows into an unnamed ditch, which then traverses in a easterly to westerly direction, which flows are partially diverted into a plastic poly pipe, which flows traverses in a northwesterly to southwesterly direction, which discharges flows into PEM #1, which flows discharge from the wetlands into another unnamed ditch that traverses in a westerly direction, which flows discharges directly into the Middle Fork Payette River. The Middle Fork Payette River flows into the South Fork Payette River. The South Fork Payette River flows into the North Fork Payette River, which forms the main stem Payette River. The Payette River flows directly into the Snake River, below River Mile 445.5. The Snake River is considered a traditional navigable water (TNW) under Section 10 of the Rivers and Harbors Act of 1899. Therefore, the unnamed irrigation ditch is considered a tributary to the Snake River and thus is regulated under Section 404 of the Clean Water Act. 6) In Reference to PEM # 6: An unnamed irrigation facility (open ditch/piped irrigation system) that traverses in a northwest to southeast direction, located near the center of the referenced parcel of property into PEM #1, an outlet ditch which flows out of PEM #1 flows to another unnamed ditch that traverses in a westerly direction, which flows discharges directly into the Middle Fork Payette River. The Middle Fork Payette River flows into the South Fork Payette River. The South Fork Payette River merges into the North Fork Payette River, which forms the main stem Payette River. The Payette River flows directly into the Snake River, below River Mile 445.5. The Snake River is considered a traditional navigable water (TNW) under Section 10 of the Rivers and Harbors Act of 1899.

- 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:

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: .

**3. Non-RPWs<sup>8</sup> 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

<sup>8</sup>See Footnote # 3.

indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: 1) Reference to PSS #2: A portion of the PSS #2 wetlands is contiguous with a perennial spring (likely a natural springs spring which also received surface runoff), which runs parallel with the Boise County Shop/private property boundary. The PSS polygon then runs northeast (upriver) landward of the ordinary high water mark of the right, descending riverbank of the Middle Fork Payette River to the Davey's Bridge, Banks-Lowman Road is considered contiguous with the Middle Fork Payette River. PSS# 2 polygon is 2.746 acres; 2) In Reference to PSS #9 and PEM #4: PSS #9 and PEM No. 4 are contiguous wetlands to an unnamed perennial spring, which is culverted across the Banks-Lowman Road, near Blue Shadow Drive. Flows are supplemented by way of a culverted stream channel near the fire station on the Banks-Lowman Road. PSS #9 polygon area is calculated at 0.037 acres, and PEM #4 polygon area is calculated at 0.050 acres. 3) In Reference to PEM #3: PEM #3 polygon is a contiguous wetland to the unnamed perennial spring, which crosses the Banks-Lowman Road, near Blue Shadow Drive. This wetland is associated hydrologically with flows from the unnamed spring, the groundwater from the Middle Fork Payette River, and a remnant natural channel (a.k.a. East Fork Cannel). PEM #3 Polygon area is 0.071 acres. 4) In Reference to PEM #5: PEM #5 . 6) In Reference to: PEM #6. PEM #6 hydrology originates from surface runoff and a high groundwater table directly attributed to a natural springs, historical irrigation practices, and a roadway retention pond that captures roadway runoff and surface runoff north of the Banks-Lowman Road. PEM #6 wetlands are contiguous with numerous unnamed streamlets, which have a defined bed and bank. PEM #6 polygon is calculated at 1.256 acres. In Reference to PEM #1: PEM #1 wetland is considered contiguous with the outlet end of an earthen irrigation ditch, which flows directly into the Middle Fork Payette River. PEM #1 hydrology originates from an irrigation facility (open ditch/poly pipe) which traverses in a northwest to southeast direction, as well as surface runoff from precipitation events, and a high groundwater table. Groundwater is directly attributable to the Middle Fork Payette River. Historic irrigation practices is likely less of a factor for this polygon. PEM #1 is calculated at 0.352 acres. Polygon #s 2, 9, 4, 3, 5, 6, and 1 met all three criteria (hydrology, hydrophytic plants and hydric soil) set forth in the: 1987 Corps of Engineers Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region, Version 2.0, dated May 2010.

- 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 jurisdictional. 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.<sup>9</sup>**

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

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

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> 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.

- 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:** .

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): .

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: Topographic Survey Map of Delineated Wetlands, prepared by a licensed surveyor, Forsgren Associates, Inc., dated October 10, 2017 .
- 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: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas:South Fork Payette, 17050120.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:7.5 Minute, Garden Valley .
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):Google Earth, June 25, 2015.  
or  Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law:Headwaters Inc. versus Talent Irrigation District Headwaters, 243 F.3d 526, 529 (9th Cir. 2001) and, United States v. Rapanos, 235 F. 3d 256, 260 (CA6 2000).

- Applicable/supporting scientific literature:Headwaters Inc. versus Talent Irrigation District Headwaters, 243 F.3d 526, 529 (9th Cir. 2001).
- Other information (please specify):1987 Corps of Engineers Manual;Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region, Version 2.0, dated May 2010 .

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** Wetland Delineation Report prepared by Ecological Design, Inc, dated October 11, 2017. Professional Surveyed Wetland Map, prepared by Forsgren Associates, Inc., dated October 10, 2017:.