

Appendix 2 – PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: 01/05/2024

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

J. C. Herbert 1994 Revocable Trust
 4750 S Courtland Drive
 Jackson, WY 83001

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

Walla Walla District, Idaho Falls Regulatory Office, JC Ranches PJD, Teton Valley, NWW-2023-00557-104

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Idaho County/parish/borough: Teton City: Tetonia

Center coordinates of site (lat/long in degree decimal format):

Lat.: 43.779355° Long.: -111.125361

Name of nearest waterbody: Spring Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 01/05/24

Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetland 1	43.778854	-111.127449	7.88 Acres	Wetland	404
Leigh Creek Canal	43.779513	-111.127599	2,050 Linear Feet	Canal	404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre- construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: 21109_JCRanches_ARlreport_Submission_240103
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report. Rationale:
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD Data
 - USGS 8 and 12 digit HUC maps
- U.S. Geological Survey map(s). Cite scale & quad name: USGS 1:24K Quad: Tetonia
- Natural Resources Conservation Service Soil Survey. Citation: NRCS Soil Web Survey
- National wetlands inventory map(s). Cite name:
<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>
- State/local wetland inventory map(s): Teton County Wetland Mapper
- FEMA/FIRM maps:
<https://experience.arcgis.com/experience/e0a933224a5c4c0387d055c0c942cbec/page/Draft-Floodplains/>
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth and Map Box Imagery
Or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Brendan Jones

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
IDAHO FALLS REGULATORY OFFICE
900 NORTH SKYLINE DRIVE, SUITE A
IDAHO FALLS, IDAHO 83402-1718**

January 05, 2024

Regulatory Division

SUBJECT: NWW-2023-00557-I04, JC Ranches PJD, Teton Valley

J. C. Herbert 1994 Revocable Trust
C/O Danielle Goodman
Y2 Consultants, LLC
PO Box 2870
180 S. Willow St.
Jackson, WY 83001

Dear Ms. Goodman

Our preliminary jurisdictional determination (PJD) indicates your proposed project site may include Waters of the United States, including wetlands. Your proposed project site is located within Section(s) 10 of Township 05 North, Range 45 East, near latitude 43.779355° N and longitude -111.125961° W, in Teton County, near Teton, Idaho. Your request has been assigned file number NWW-2023-00557-I04, which should be referred to in future correspondence with our office regarding this site.

Enclosed are two copies of the Preliminary Jurisdictional Determination Form and a map showing the approximate boundaries that may be Water(s) of the U.S., including wetlands, for the subject property. Please review the document and any attachments thereto. If you consent to jurisdiction as set forth, please sign both copies, return one copy to the Corps at the address in the above letterhead and keep the other copy for your records. This PJD shall remain in effect unless an approved jurisdictional determination is requested or new information supporting a revision is provided to this office.

Section 404 of the Clean Water Act requires that a Department of the Army (DA) permit be obtained for the discharge of dredged and/or fill material into Waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344). A DA authorization may be required if you propose to perform work or place dredged and/or fill material into waters or wetlands on the property.

Further, the Corps defines wetlands as those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Discharges of dredged or fill material into these areas may include those associated with mechanized land-clearing involving vegetation removal with mechanized equipment such as front-end loaders, backhoes, or bulldozers with

sheer blades, rakes, or discs in wetlands and excavation activities which result in the discharge of dredged material and destroy or degrade Waters of the United States.

This determination applies only to Department of the Army permitting jurisdiction and does not authorize any injury to property or excuse you from compliance with other Federal, State, or local statutes, ordinances, regulations, or requirements which may affect these areas, or work you would propose to conduct in these areas. Please obtain all required permits before starting work in the Waters or wetland areas identified on this property.

CUSTOMER SERVICE

We actively use feedback to improve our delivery and provide you with the best possible service. Please take our online customer service survey to tell us how we are doing. Follow this link to take the survey: http://corpsmapu.usace.army.mil/cm_apex/?p=regulatory_survey. If you have questions or if you would like a paper copy of the survey, call our office at 208-433-4464. For more information about the Walla Walla District Regulatory program, visit us online at <http://www.nww.usace.army.mil/BusinessWithUs/RegulatoryDivision.aspx>.

If you have any questions or need additional information about this permit, you can contact me at (208) 522-1645, by mail at the address in the letterhead, or email at Brendan.V.Jones@usace.army.mil.

Sincerely,



Brendan Jones
Project Manager, Regulatory Division

Enclosures:
Wetland/Waters Delineation Map
Preliminary Jurisdictional Determination Form



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U.S. ARMY CORPS OF ENGINEERS
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Brendan Jones
Project Manager, Regulatory Division

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- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD Data
 - USGS 8 and 12 digit HUC maps
- U.S. Geological Survey map(s). Cite scale & quad name: USGS 1:24K Quad: Tetonia
- Natural Resources Conservation Service Soil Survey. Citation: NRCS Soil Web Survey
- National wetlands inventory map(s). Cite name:
<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>
- State/local wetland inventory map(s): Teton County Wetland Mapper
- FEMA/FIRM maps:
<https://experience.arcgis.com/experience/e0a933224a5c4c0387d055c0c942cbec/page/Draft-Floodplains/>
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth and Map Box Imagery
Or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

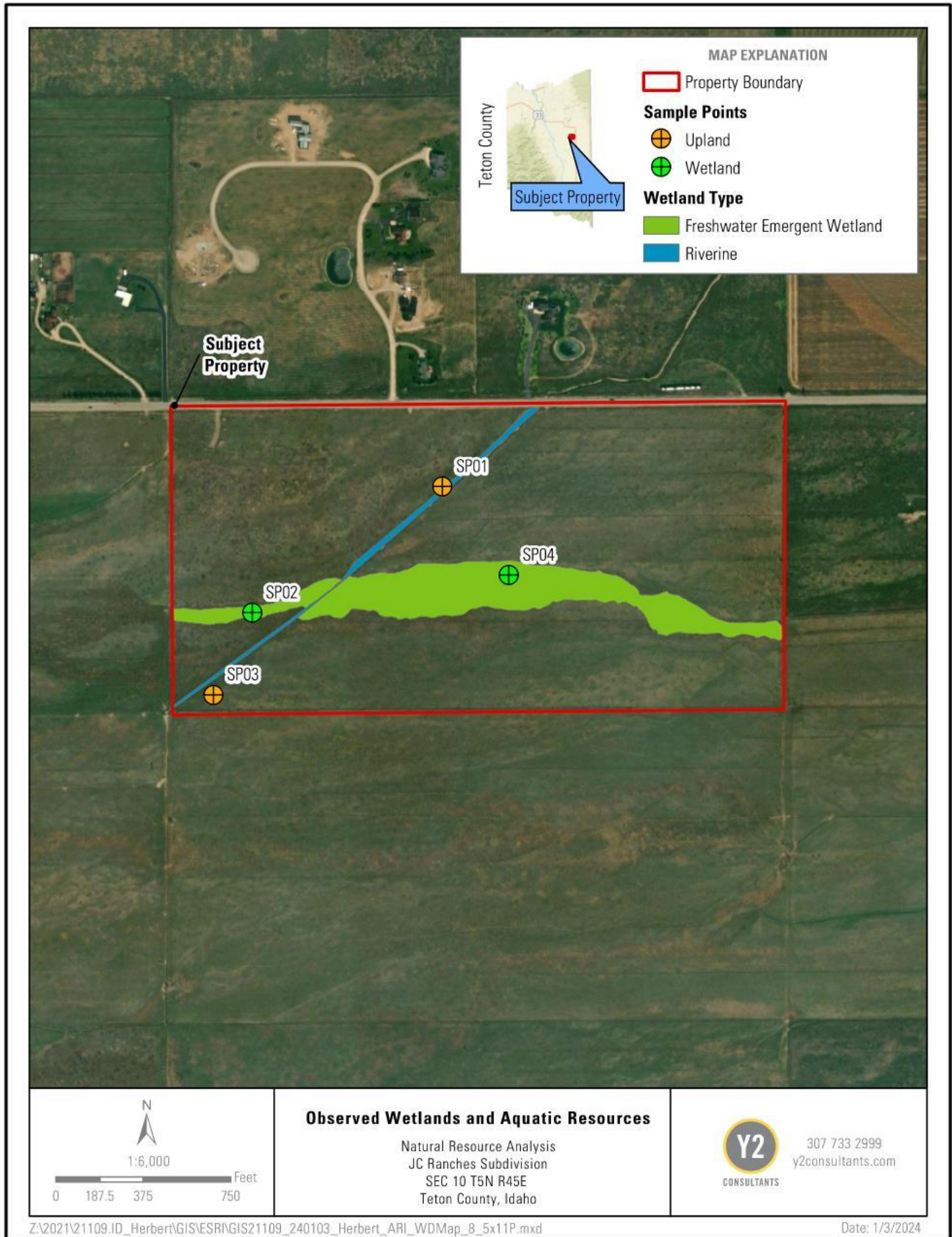
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Brendan Jones

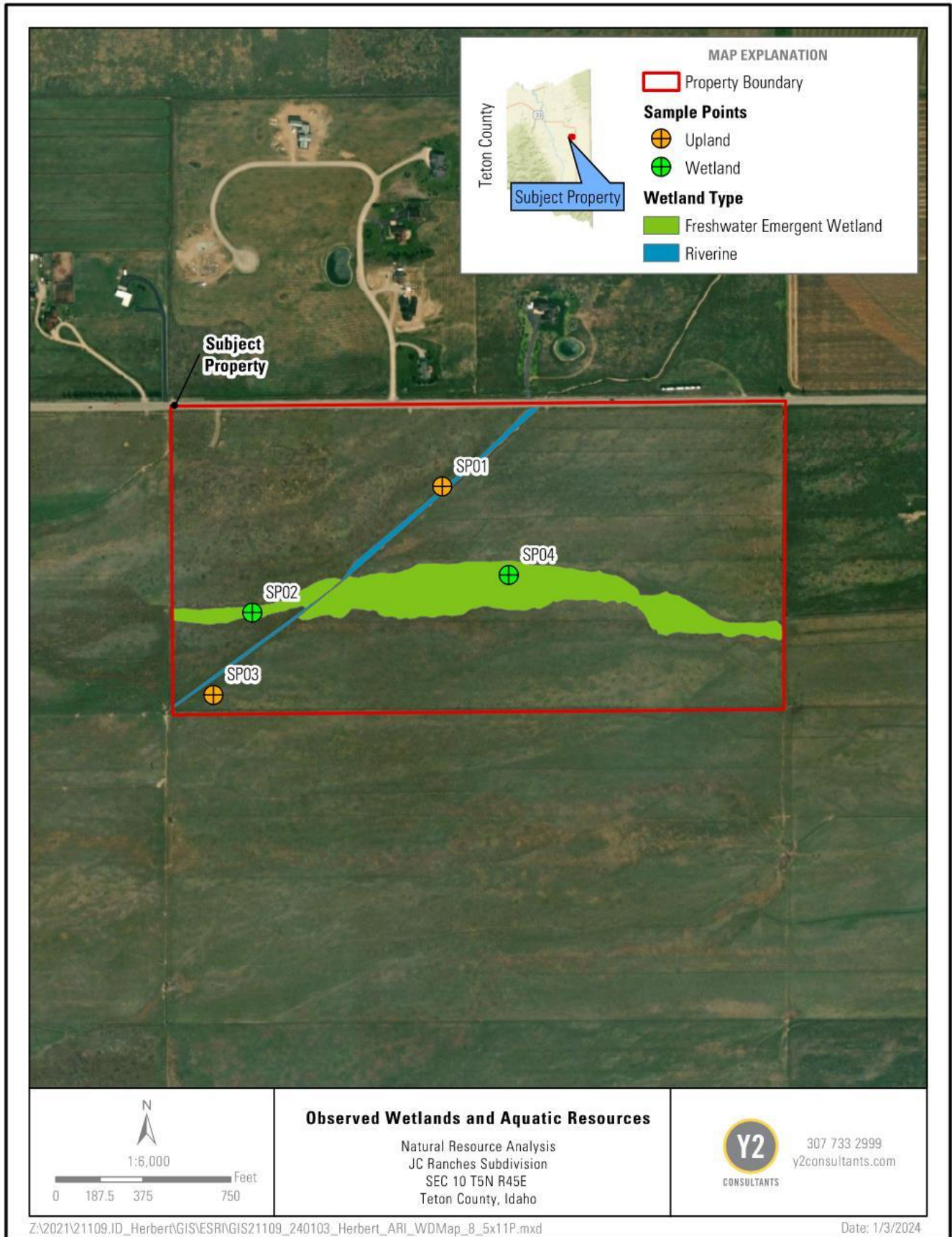
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Appendix A - Figure 5. Observed wetlands and Aquatic Resources with sample points, JC Ranches Subdivision, Teton County, ID.



Appendix A - Figure 5. Observed wetlands and Aquatic Resources with sample points, JC Ranches Subdivision, Teton County, ID.