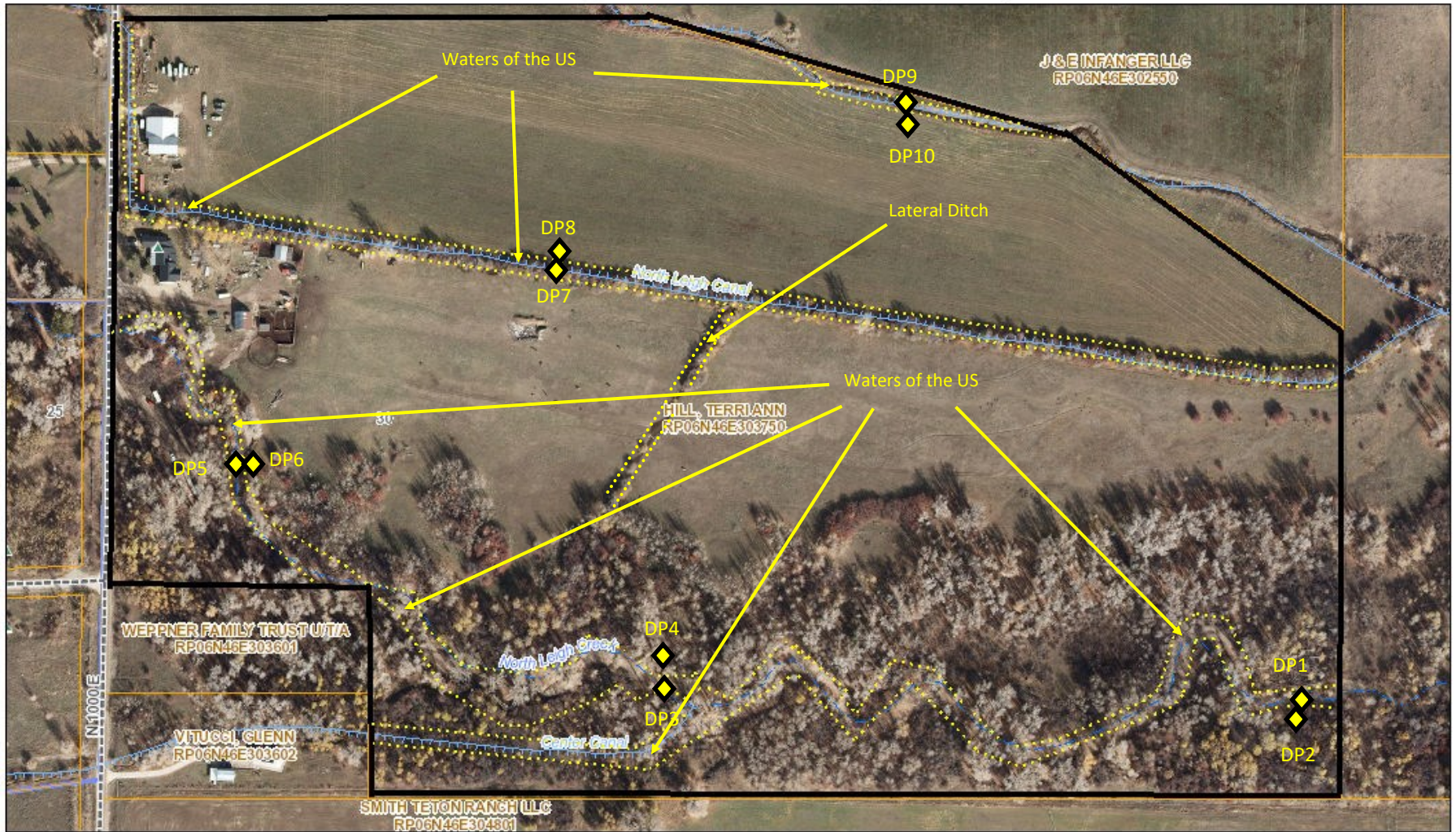
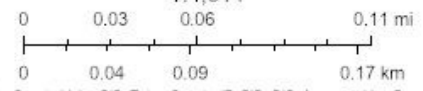


Hill Parcel _ Waters of the US (WOTUS)



1:4,514



Teton County Idaho GIS, Teton County, ID GIS, GIS, Aero-graphics Geospatial Services, Teton County GIS Dept, Teton County GIS

Teton County GIS

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331 or at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx>

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

U.S. Army Corps of Engineers, Walla Walla District
ATTN: Kelly Urbanek, Chief, Regulatory Division
720 East Park Boulevard, Suite 245
Boise, Idaho 83712
Telephone: (208) 433-4464
Email: Kelly.J.Urbanek@usace.army.mil

For questions about the appeal process, you may also contact:

U.S. Army Corps of Engineers, Northwestern Division
ATTN: Susan L. Baker, Regulatory Appeals Review Officer
1201 NE Lloyd Blvd., Suite 400
Portland, OR 97232
Telephone: (716) 578-9127

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

Appendix 2 – PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: October 3, 2023

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: Cleve Booker, Booker Grey LLC, PO Box 271, Teton, ID 83452

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: NWW-2023-00345-104

**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:Driggs

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

Lat.:43.820304 ° Long.: -111.075927°

Name of nearest waterbody:

North Leigh Creek

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

Office (Desk) Determination. Date: October 3, 2023

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)
North Leigh Creek	43.817856	-111.074576	2865	Stream Channel	404
Center Canal	43.817545	-111.077377	599	Ditch/Canal	404
Lateral Ditch	43.819336	-111.076235	539	Ditch/Canal	404
North Leigh Canal	43.819895	-111.075172	2783	Ditch/Canal	404
North Ditch	43.821095	-111.074882	747	Ditch/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: HILL_WOTUSEXHIBIT_REVISE_22SEP23
- 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: NHD GIS Layers
 - USGS NHD Data
 - USGS 8 and 12 digit HUC maps
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Clawson
- Natural Resources Conservation Service Soil Survey. Citation: NRCA Soil Web Survey
- National wetlands inventory map(s). Cite name: USFWS NWI Viewer
- 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 and Map Box
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

October 03, 2023

Regulatory Division

SUBJECT: NWW-2023-00345-I04, Hill Tetonia PJD

Ms. Terri Ann Hill
6705 N 1000 E
Tetonia, ID 83452
C/O Cleve Booker

Dear Terri Ann Hill,

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 25 of Township 06 North, Range 45 East, near latitude 43.819352° N and longitude -111.076002° W, in Teton County, near Tetonia, Idaho. Your request has been assigned file number NWW-2023-00345-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 provided to us by Cleve Booker of Booker Grey Environmental, LLC on your behalf. 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.

Although this determination is advisory in nature and may not be appealed under the Corps of Engineers Administrative Appeal Procedures, as defined in 33 CFR 331, the enclosed *Notification of Administrative Appeal Options and Process Fact Sheet and Request for Appeal Form (RFA)* explains your options, if you do not agree with this determination.

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 shear 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.

Please be aware, this PJD treats all wetlands and Waters on your property as Waters of the U.S. subject to Corps jurisdiction, and may be submitted with a permit application for computation of impacts and compensatory mitigation requirements. The Corps concurs with the extent of wetlands and waters on your property as delineated by Booker Grey Environmental in their enclosed report.

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/f?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,

A handwritten signature in black ink that reads "Brendan Jones". The signature is written in a cursive style with a large, looped initial 'B'.

Brendan Jones
Project Manager, Regulatory Division

Enclosures:

Preliminary Jurisdictional Determination Form
Notification of Administrative Appeal Options and Request for Appeal Form
Supplemental Pre-Application Information
HILL_WOTUSEXHIBIT_REVISION_22SEP23

Appendix 1 - REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD)

To: District Name Here

- I am requesting a JD on property located at: _____
(Street Address)
City/Township/Parish: _____ County: _____ State: _____
Acreage of Parcel/Review Area for JD: _____
Section: _____ Township: _____ Range: _____
Latitude (decimal degrees): _____ Longitude (decimal degrees): _____
(For linear projects, please include the center point of the proposed alignment.)
- Please attach a survey/plat map and vicinity map identifying location and review area for the JD.
- I currently own this property. I plan to purchase this property.
- I am an agent/consultant acting on behalf of the requestor.
- Other (please explain): _____.
- Reason for request: (check as many as applicable)
 I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all aquatic resources.
 I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all jurisdictional aquatic resources under Corps authority.
 I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps, and the JD would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.
 I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps; this request is accompanied by my permit application and the JD is to be used in the permitting process.
 I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is included on the district Section 10 list and/or is subject to the ebb and flow of the tide.
 A Corps JD is required in order to obtain my local/state authorization.
 I intend to contest jurisdiction over a particular aquatic resource and request the Corps confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.
 I believe that the site may be comprised entirely of dry land.
 Other: _____
- Type of determination being requested:
 I am requesting an approved JD.
 I am requesting a preliminary JD.
 I am requesting a "no permit required" letter as I believe my proposed activity is not regulated.
 I am unclear as to which JD I would like to request and require additional information to inform my decision.

By signing below, you are indicating that you have the authority, or are acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the site if needed to perform the JD. Your signature shall be an affirmation that you possess the requisite property rights to request a JD on the subject property.

*Signature: _____ Date: _____

- Typed or printed name: _____
Company name: _____
Address: _____

Daytime phone no.: _____
Email address: _____

***Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.