



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 7/16/2020
 ORM Number: NWW-2020-00252
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Idaho City: Coolin County/Parish/Borough: Bonner
 Center Coordinates of Review Area: Latitude 48.368520° Longitude -116.832203°

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
East River	528	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			USGS topographical maps (dated 1901, 1958, & 2020) and the National Hydrography Dataset display the reach of East River within the review area as a perennial stream. USGS Stream Stats report confirms continuous flow within the reach via low flow statistics, monthly flow duration statistics and the probability of stream flow permanence (PROSPER) model. The minimum flow derived from the regression analysis in the StreamStats report displays a minimum flow ranging from 5-11 cubic feet per second at the review area showing flows. The PROSPER output calculated the mean probability for East River to run perennially at 83 percent.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.
² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland C	0.25	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Per the Wetland Delineation and Water of the US report, East River mile post 10, 11, 11.2, dated February 24, 2020, wetland C physically touches/ abuts East River ((a)(2) water) near RM 1.9. See section III.C below for flow path from East River to a Section 10 water.
Wetland D	0.015	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Per the Wetland Delineation and Water of the US report, East River mile post 10, 11, 11.2, dated February 24, 2020, wetland D physically touches/ abuts East River ((a)(2) water) near RM 1.85. See section III.C below for flow path from East River to a Section 10 water.
Wetland E	0.074	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Per the Wetland Delineation and Water of the US report, East River mile post 10, 11, 11.2, dated February 24, 2020, wetland E physically touches/ abuts East River ((a)(2) water) near RM 1.8. See section III.C below for flow path from East River to a Section 10 water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A1	0.076	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Surface flow from Wetland A1 enters East River via non-jurisdictional feature. See mile post (MP) 10 roadside ditch (b)(5) exclusion determination below.
Wetland A2 / Roadside Ditch at Mile Post 10	0.08	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the	Wetland A2 / MP 10 roadside ditch was constructed in uplands and was not constructed within or relocates an (a)(2) water. Per the topographical maps (dated 1901, 1958, & 2020) the East River Road within the review area was constructed outside the channel of any tributary. The National Wetland Inventory map support no wetland occurrence in the constructed footprint

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		conditions of (c)(1).	of the Eastside Roadway including roadside ditches. USDA soil survey maps also confirm that the roadside ditch was not constructed in wetlands at the MP 10 review area, the soil survey indicates non-hydric soils along the East River roadway (14-Haploxeralfs and Xerochrepts, 30 to 55 percent slopes).
Wetland A3	0.025	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.
Wetland A4	0.033	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.
Wetland B	0.012	acre(s)	(b)(1) Non-adjacent wetland.
Wetland F	0.002	acre(s)	(b)(1) Non-adjacent wetland.
Wetland G	0.009	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland H	0.005 acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Surface flow from Wetland H enters East River via non-jurisdictional feature. See MP 11 roadside ditch (b)(5) determination below.
Wetland I	0.008 acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Surface flow from Wetland I enters East River via non-jurisdictional feature. See MP 11 roadside ditch (b)(5) determination below.
Roadside Ditch at MP 11	520 linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	MP 11 roadside ditch was constructed in uplands and was not constructed within or relocates an (a)(2) water. Per the topographical maps (dated 1901, 1958, & 2020) the East River Road within the review area was constructed outside the channel of any tributary. The National Wetland Inventory map shows no wetland occurrence in the constructed footprint of the Eastside Roadway including roadside ditches. USDA soil survey maps also confirm that the roadside ditch was not constructed in wetlands at the MP 10 review area, the soil survey indicates non-hydric soils along the East River roadway (5463-Mission Silt Loam, 2 to 12 percent slopes).

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation and Water of the US report, East River mile post 10, 11, 11.2, dated February 24, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Site photos of data pits, soils and vegetation are found on pages 19 through 25 of the Wetland Delineation and Water of the US report, East River mile post 10, 11, 11.2, dated February 24, 2020.](#)

[Aerial imagery: Google Earth imagery, dated August 4, 2019.](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)



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- ☒ USDA NRCS Soil Survey: Appendix B, Wetland Delineation and Water of the US report, East River mile post 10, 11, 11.2, dated February 24, 2020.
- ☒ USFWS NWI maps: NWW-2020-00252 NWI Map Northern and Southern, Map derived from colored infrared, Dated 1980's, Scale 1:58K
- ☒ USGS topographic maps: Sandpoint Quadrangle topo map, dated 1901, Scale 1:125K; Sandpoint Quadrangle topo map, dated 1958, Scale 1:125K; Prater Mountain Quadrangle topo map, dated April, 2020, Scale 1:24K

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	StreamStats Report, East River (RM 1.8-1.9), dated July 15, 2020; StreamStats (PROSPER tool), dated July 15, 2020; National Hydrography Dataset classification, dated July 15, 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): APT dated August 23, 2019 at East River Rd. MP 11.2 confirmed that the wetland delineation occurred within a typical year. The site visit to collect data on site was during the dry season (August 23, 2019), however the wetlands C-E still were physically connected to East River therefore further supporting that wetlands C-E abut and are jurisdictional.

No analysis of typical year took place for the jurisdictional evaluation of wetlands A1-A4, B, F, G, H, and I since the non-jurisdictional feature conveying flow to the East River (a)(2) water was determined to be a ditch which has no flow requirements to meet the (b)(5) exclusion.

C. Additional comments to support AJD:

Hydrologic surface connection flow path:

East River is a tributary to the Priest River which flows to the Pend Oreille River, a water which has been determined to be navigable under Section 10 of the Rivers and Harbors Act. The western bank wetlands abutting East River are located near river miles (RM) 1.8-1.9 of East River which connects to Priest River near RM 20.9. The Priest River connects to the Pend Oreille River near RM 95.1.

Downstream flow duration:

Topo maps, USGS stream gauges (12395000, Priest River; 12395500, Pend Oreille) and aerial imagery show the stream reach up to the review area of East River (RM 1.9) and the downstream reaches (i.e. Priest River and Pend Oreille) connecting to a Section 10 water are perennial waterways.

Elevation data for inundation:

There is no hydrologic surface connection between the non-jurisdictional wetlands (A1-A4, B, F, G, H, and I) and the East River via inundation. Wetlands F, G, H, and I (~2332 ft) is approximately 65 feet higher in elevation than East River (~2267 ft) while wetlands A1-A4 and B (~2334 ft) are approximately 92 higher in elevation than the East River (~2242 ft).