



**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): 11/5/2020
 ORM Number: NWW-2020-00494
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Idaho City: Post Falls County/Parish/Borough: Kootenai
 Center Coordinates of Review Area: Latitude 47.710785° Longitude -116.896045°

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
N/A.	N/A.	N/A.	N/A.

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.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.002	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Delineation Report, I-90/SH-41 Interchange Project, A020(442), KN 20442, dated June 14, 2019 delineated the boundary for wetland 1, identifies no apparent physical connectivity to an (a)(1)-(a)(3) water. Wetland receives water from overland flow and roadway drainage from E. Seltice Way. Wetland 1 is not inundated by flooding from an (a)(1)-(a)(3) water. Per the topographical maps (dated 1903 and 2020) wetland 1 is approximately 0.32 miles from the Hyline Ditch and 0.84 miles from the Spokane River. Wetland 1 is not physically separated from an (a)(1)-(a)(3) water only by a natural feature. Approximately 0.84 miles of uplands separate the wetland from the bank of the nearest (a)(1)-(a)(3) water (i.e. Spokane River). Various roadways and subdivision separate wetland 1 from the Spokane River. No direct hydrologic surface connection is connecting the Spokane River to wetland 1.
Hyline Ditch	734	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).	The reach of the Hyline Ditch within the review area was constructed in uplands and was not constructed within or relocates an (a)(2) water. Per the topographical maps (dated 1903 and 2020) the reach of the Hyline Ditch within the review area was constructed outside the channel of any tributary. The National Wetland Inventory map support the absences of wetlands occurrence in the constructed footprint of Hyline Ditch. USDA soil survey maps also confirm that the reach of the Hyline Ditch in the review area was not constructed in wetlands. The soil survey indicates non-hydric soils within the constructed footprint of Hyline Ditch (McGuire-Marble association, 0 to 7 percent slope). Hyline ditch diverts water from Mikelson Canal.

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.

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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- Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report, I-90/SH-41 Interchange Project, A020\(442\), KN 20442, dated October 18, 2020](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Wetland Delineation Report, I-90/SH-41 Interchange Project, A020\(442\), KN 20442, dated October 18, 2020](#)
- 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.](#)
- USDA NRCS Soil Survey: [Wetland Delineation Report, I-90/SH-41 Interchange Project, A020\(442\), KN 20442, dated October 18, 2020, and 2020-00494 USDA Soil survey map, dated Oct 1, 2020](#)
- USFWS NWI maps: [2020-00494 NWI map, dated Oct 1, 2020](#)
- USGS topographic maps: [Rathdrum Quadrangle topo map, dated 1903, Scale 1:125K; Post Falls Quadrangle topo map, dated April 4, 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	2020-00494 Stream Stats map, dated October 1, 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 output dated October 1, 2020 found that the wetland delineation and aquatic resource review on August 16, 2018 occurred during a drier than normal field conditions, during the beginning of the dry season. The drier than normal conditions and the delineation being conducted in the dry season would not impact the determination of the AJD for the wetland 1 and Hyline Ditch. The APT is not applicable to Hyline Ditch since the hydrology provided to this feature is provided by a regulated manmade irrigation diversion, which operates independent of the natural flows provided in the system.](#)

C. Additional comments to support AJD: [N/A](#)