



**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): 1/14/2021
 ORM Number: NWW-2020-00622
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Idaho City: Kootenai County/Parish/Borough: Bonner
 Center Coordinates of Review Area: Latitude 48.309052° Longitude -116.518269°

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.	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.	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.	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.	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.	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	0.03 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 has no apparent physical connectivity to an (a)(1)-(a)(3) water. Wetland 1 abuts a ditch that receives water from overland flow and roadway drainage from State Highway 200. However, the ditch does not meet the definition of a tributary (see exclusion (b)(5) below). Additionally, Wetland 1 has no apparent physical connectivity to Lake Pend Oreille located approximately 0.29 miles away. Wetland 1 does not touch, is not inundated by flooding from, and is not separated only by a natural feature or artificial barrier from Lake Pend Oreille. Various roadways, a railroad, subdivision, and uplands separate Wetland 1 from Lake Pend Oreille. There are no other (a)(1)-(a)(3) waters nearby.
Wetland 2	0.024 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 has no apparent physical connectivity to an (a)(1)-(a)(3) water. Wetland 2 abuts a ditch that receives water from overland flow and roadway drainage from State Highway 200. However, the ditch does not meet the definition of a tributary (see exclusion (b)(5) below). Additionally, Wetland 2 has no apparent physical connectivity to Lake Pend Oreille located approximately 0.31 miles away. Wetland 2 does not touch, is not inundated by flooding from, and is not separated only by a natural feature or artificial barrier from Lake Pend Oreille. Various roadways, a railroad, subdivision, and uplands separate Wetland 2 from Lake Pend Oreille. There are no other (a)(1)-(a)(3) waters nearby.
Wetland 3	0.005 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 has no apparent physical connectivity to an (a)(1)-(a)(3) water. Wetland 3 abuts a ditch that receives water from overland flow and roadway drainage from State Highway 200. However, the ditch does not meet the definition of a tributary (see exclusion (b)(5) below). Additionally, Wetland 3 has no apparent physical connectivity to Lake Pend Oreille located approximately 0.34 miles away. Wetland 3 does not touch, is not inundated by flooding from, and is not separated only by a natural feature or artificial barrier from Lake Pend Oreille. Various

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
				roadways, a railroad, subdivision, and uplands separate Wetland 3 from Lake Pend Oreille. There are no other (a)(1)-(a)(3) waters nearby.
Wetland 4	0.021	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 has no apparent physical connectivity to an (a)(1)-(a)(3) water. Wetland 4 abuts a ditch that receives water from overland flow and roadway drainage from State Highway 200. However, the ditch does not meet the definition of a tributary (see exclusion (b)(5) below). Additionally, Wetland 4 has no apparent physical connectivity to Lake Pend Oreille located approximately 0.29 miles away. Wetland 4 does not touch, is not inundated by flooding from, and is not separated only by a natural feature or artificial barrier from Lake Pend Oreille. Various roadways, a railroad, subdivision, and uplands separate Wetland 4 from Lake Pend Oreille. There are no other (a)(1)-(a)(3) waters nearby.
Wetland 5	0.076	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 has no apparent physical connectivity to an (a)(1)-(a)(3) water. Wetland 5 abuts a ditch that receives water from overland flow and roadway drainage from State Highway 200. However, the ditch does not meet the definition of a tributary (see exclusion (b)(5) below). Additionally, Wetland 5 has no apparent physical connectivity to Lake Pend Oreille located approximately 0.33 miles away. Wetland 5 does not touch, is not inundated by flooding from, and is not separated only by a natural feature or artificial barrier from Lake Pend Oreille. Various roadways, a railroad, subdivision, and uplands separate Wetland 5 from Lake Pend Oreille. There are no other (a)(1)-(a)(3) waters nearby.
Wetland 6	0.16	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 6 has no apparent physical connectivity to an (a)(1)-(a)(3) water. Wetland 6 abuts a ditch that receives water from overland flow and roadway drainage from State Highway 200. However, the ditch does not meet the definition of a tributary (see exclusion (b)(5) below). Additionally, Wetland 6 has no apparent physical connectivity to Lake Pend Oreille located approximately 0.36 miles away. Wetland 6 does not touch, is not inundated by flooding from, and is not separated only by a natural feature or artificial barrier from Lake Pend Oreille. Various roadways, a railroad, subdivision, and uplands separate Wetland 6 from Lake Pend Oreille. There are no other (a)(1)-(a)(3) waters nearby.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Roadside drainage ditches	7,730	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).	Roadside drainage ditches within the review area collect and convey overland flow from SH-200. Although the drainage features have the potential to establish a hydrologic surface connection to Lake Pend Oreille, through a network of other ditches and culverts, no ordinary high water mark could be established. The features do not relocate a tributary, were not constructed in a tributary or adjacent wetland, and do not flow intermittently or perennially in a typical year.

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: [McGhee to Kootenai St, Bonner County, Wetland and Waters of the US Determination, Key No 20453, September 2018](#)

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: Aerial imagery: 1\) Google Earth Imagery dated: July 14, 2013, July 11, 2014, 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.](#)
- USDA NRCS Soil Survey: [2020-00622 USDA soil survey, dated December 4, 2020](#)
- USFWS NWI maps: [Page 14 of the McGhee to Kootenai St, Bonner County, Wetland and Waters of the US Determination, Key No 20453, dated September 2018](#)
- USGS topographic maps: [Sandpoint Quadrangle topo map, dated 1996, Scale 1:125K; Sandpoint Quadrangle topo map, dated 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 (PROSPER tool), dated December 4, 2020; National Hydrography Dataset classification, dated December 4, 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Idaho Transportation Department email dated Dec 15, 2020- confirming lack of OHWM in drainage features within review area.

B. Typical year assessment(s): [APT output dated December 4, 2020 found that the wetland delineation and aquatic resource review on August 3, 2018 and August 22, 2018 occurred during a drier than normal field](#)



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conditions, during the beginning of the dry season. However the dryer than normal condition did not affect the wetland delineation since the wetland boundaries were apparent given their confined geographic location (i.e. roadside drainage features).

- C. Additional comments to support AJD:** The linear feet of roadside drainage ditches were estimated via Google Earth imagery along State Highway 200.