**DEPARTMENT OF THE ARMY**
**U.S. ARMY CORPS OF ENGINEERS, WALLA DISTRICT**
**COEUR D'ALENE REGULATORY FIELD OFFICE**
**1910 NORTHWEST BLVD SUITE 210**

CENWW-RD 26 JANUARY 2026

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023) ,[1] NWW-2024-00527, MFR 1 of 1[2]

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.[3] AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.[4] For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),[5] the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of "waters of the United States" found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. This AJD did not rely on the 2023 "Revised Definition of 'Waters of the United States,'" as

[1] While the Supreme Court's decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.
[2] When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).
[3] 33 CFR 331.2.
[4] Regulatory Guidance Letter 05-02.
[5] USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in Idaho due to litigation.

1. SUMMARY OF CONCLUSIONS.
   a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

      i. Wetland 1 (W1), non-jurisdictional, Section 404

2. REFERENCES.

   a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).

   b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).

   c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)

   d. *Sackett v. EPA*, 598 U.S. _, 143 S. Ct. 1322 (2023)

   e. 2008 February 26 Memo, "Memorandum to Re-Evaluate Jurisdiction for NWP-2007-428"

   f. 2023 December 19 Memo, "Memorandum to Re-Evaluate Jurisdiction for NOW-2003-60436"

   g. 2025 March 12 Memo, "Memorandum to the Field Between the U.S. Department of the Army, U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Concerning the Proper Implementation of "Continuous Surface Connection" Under the Definition of "Waters of the United States" Under the Clean Water Act"

   h. U.S. Geological Survey. (April 23, 2025). StreamStats Report NWW-2024-00527

3. REVIEW AREA. The review area is a private 4.7-acre parcel in Kootenai, Bonner County, Idaho, Latitude 48.327653° N, Longitude 116.525365° W (Figure 1).

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS

CONNECTED. The review area is approximately 0.99 linear miles and approximately 1.28 stream miles from Boyer Slough, a perennial stream and TNW, which flows south into Kootenai Bay of Lake Pend Oreille, a designated Section 10 navigable water of the United States (Figure 2; Figure 3).

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. W1 is hydrologically connected to a large wetland complex (essentially one wetland) to the north of the review area through subsurface hydrology that is divided by Porath Road (2023 December 19 Memo; 2008 February 26 Memo; Figure 4; Figure 5). The large wetland complex is adjacent to an unnamed relatively permanent tributary which flows 1.98-miles southeast and exhibits a continuous surface connection to a perennial 1.55-mile long second order stream and TNW called Boyer Slough (U.S. Geological Survey 2025; 2025 March 12 Memo; Figure 6). Aerial imagery from Bonner County GIS depicting flowing water through various seasons paired with the Digital Elevation Model (DEM)/Hillshade indicates a wetland fringe associated with the unnamed relatively permanent tributary; the depressional wetland area enclosing the stream persists to the confluence of Boyer Slough and beyond and characterizes the stream as a relatively permanent tributary interconnected with the existing wetland complex. While there were no active stream gauges associated with the unnamed relatively permanent tributary, multiple tools and data sources support the water resource as a relatively permanent feature, including:
    a. Idaho Forest Practices Act (FPA) 2022, whereas the tributary is a Class II Stream. Stream is defined as, "…a natural water course of perceptible extent within definite beds and banks which confines and conducts continuously or intermittently flowing water," (Title 38, Chapter 13, Idaho Code). Class II streams are defined as, "…usually headwater streams or minor drainages that are used by only a few, if any, fish for spawning and rearing," (Title 38, Chapter 13, Idaho Code).
    b. Idaho Department of Environmental Quality Final 2022 §305(b) Integrated Report, whereas the tributary exhibits a gage adjusted flow of 1.252 cfs and velocity of 0.745 fps (IDEQ 2022).
    c. National Regulatory Viewer with Digital Elevation Model (DEM) + Hillshade layers indicate elevation and topography that would support a relatively permanent tributary with features such as a distinct ordinary high water mark, sloped banks, and low elevation with wetland adjacent features which support the NWI general characterization of an existing wetland encompassing the tributary (Figure 16).
    d. Bonner County Public Mapping Application (GIS) years 2021 (low water/winter draw down months) (Figure 17, Figure 21), 2022 (high water/summer pool months) (Figure 18, Figure 22), 2023 (high water/summer pool months) (Figure 19, Figure 23), and 2024 (low

water/winter draw down months) (Figure 20, Figure 24). In all imagery years, there is a distinct depressional and wet corridor that persists from the headwaters of the unnamed tributary to the confluence of Boyer Slough. Additionally, the imagery exhibits flowing water immediately north of the wetland swale that connects the Linck parcel wetlands to the wetland complex, and to the relatively permanent tributary (Figures 21, 22, 23, and 24).

e. StreamStats Report for the headwaters region of the unnamed tributary which indicates flow duration statistics for every month with 20%, 50%, and 80% probabilities based on a USGS Water Resources Investigation Report internally cited (USGS StreamStats, 2025). The report estimates low flows during the months of October through January where flows between 0.194 cfs to 0.284 cfs are expected to be at 20% duration. The report estimates high flows during the months of February to September where flows between 0.426 cfs to 2.27 cfs are expected with a 20% duration. There is one exception with July reporting as 0.256 cfs at 20% duration which would be uncharacteristic of the region (USGS StreamStats, 2025).

Boyer Slough is a characterized as a named perennial stream through Idaho Department of Environmental Quality's Final 2022 §305(b) Integrated Report that exhibits a mean annual flow of 8.622 cfs and mean annual velocity of 0.550 fps (IDEQ 2022). Boyer Slough is characterized as a Class I stream where Class I refers to, "…streams important for the spawning, rearing or migration of fish," (Title 38, Chapter 13, Idaho Code) which supports the stream as a perennial, traditionally navigable water. In addition, DEM and Hillshade imagery supports the stable navigability of the feature (Figure 3). Boyer Slough flows south until it reaches Kootenai Bay of Lake Pend Oreille, a designated navigable water of the United States under Section 10 of the Rivers and Harbors Act (Figure 6).

6. SECTION 10 JURISDICTIONAL WATERS[6]: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.[7] N/A

[6] 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce or is presently incapable of such use because of changed conditions or the presence of obstructions.

[7] This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

    a. TNWs (a)(1): N/A

    b. Interstate Waters (a)(2): N/A

    c. Other Waters (a)(3): N/A

    d. Impoundments (a)(4): N/A

    e. Tributaries (a)(5): N/A

    f. The territorial seas (a)(6): N/A

    Adjacent wetlands (a)(7): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

    a. Describe aquatic resources and other features within the review area identified as "generally non-jurisdictional" in the preamble to the 1986 regulations (referred to as "preamble waters").[8] Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. N/A

    b. Describe aquatic resources and features within the review area identified as "generally not jurisdictional" in the *Rapanos* guidance. Include size of the aquatic

329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

[8] 51 FR 41217, November 13, 1986.

resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. N/A

c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A

d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A

e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in "*SWANCC*," would have been jurisdictional based solely on the "Migratory Bird Rule." Include the size of the aquatic resource or feature, and how it was determined to be an "isolated water" in accordance with *SWANCC*. N/A

f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court's decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

The approximately 1.13-acres of wetland identified on the 4.7-acre parcel was classified as two wetlands ("Wetland A" (~0.28-acres) and "Wetland B" (~0.85-acres)) on the submitted delineation reports (Dubendorfer, 2024; Dubendorfer, 2025; Figure 7), however, both "Wetland A" and "Wetland B" will together and henceforth be referenced as W1.

Position in the landscape (depressional features), similarities in plant communities (*Pinus contorta* and *Phalaris arundinacea*), similarities in soil conditions (gray silt loam and hydric Odenson silt loam profiles), and indicators of a shallow subsurface connection (shallow ponding on both sides in October 2024 delineation report) demonstrate that "Wetland A" and "Wetland B" are scientifically functioning as one wetland (W1). Data visualization, including 5-ft contour mapping (Figure 10), elevation profiling (Figure 25), digital elevation

model and hillshade layers (Figure 26) provide additional support that W1 is hydrologically functioning as one wetland. These figures all exhibit two sides of a low-lying site that are divided by a sharp, elevated feature which seems to be artificial in nature (Figure 25, Figure 26). The data visualization consistently shows each side of the elevated artificial feature as exhibiting the same hydrologic and soil characteristics which supports the delineation report and assumptions made pre-site-disturbance (Dubendorfer, 2024).

“Wetland A” is separated approximately 65 linear feet from “Wetland B” by a gravel driveway that was installed between August 2019 and July 2022 as seen on *Google Earth* imagery (Figure 34) and as referenced in the delineation report (Dubendorfer, 2024). While the gravel driveway, represented by a portion of the linear feature seen in Figure 26, is seemingly artificial and located within a depressional area with delineated wetland on either side, it is unclear how the driveway was constructed and if the driveway was constructed within an existing wetland. The data and multiple hydrological indicators support that W1 is scientifically one wetland, and while the One Wetland Memo and *Rapanos* guidance state that a single wetland may be divided by features, including roads, it is unclear if the landscape below the gravel driveway was a pre-existing wetland and if that wetland was jurisdictional before the installation of the driveway (2008 February 26 Memo; 2023 December 19 Memo; Dubendorfer, 2024).

Approximately 35 linear feet of Porath Road, located north of the review area, separates W1 from a large wetland complex to the north. Historic aerial imagery from 1958 and a topographic map from 1968 both show Porath Road running east to west and enclosing what is now the Linck’s parcel to the north (Figure 27; *Sandpoint 1968 Historic Topo*). These primary resources indicate that the road has been in place since at least 1958 with a possible construction date pre-1958.

Evidence suggests that W1 is functioning as part of the large wetland complex the north, much like “Wetland A” and “Wetland B” are connected and functioning as a single wetland, W1. The delineation reports note that there is no culvert present to maintain connection between W1 and the northern wetland complex, and while the consultant was unable to access the property that exhibits wetland swale to the north (Dubendorfer 2024; Dubendorfer 2025), there are multiple indications that W1 is and has historically been influenced, and therefore hydrologically connected, to the northern complex through the feature on the property. A natural wetland swale provides continuous surface connection from W1 to a relatively permanent tributary and then to Boyer Slough. Boyer Slough is a perennial second order stream that flows south where it meets with Kootenai Bay of Lake Pend Oreille, a navigable water of the United States.

Current soil classification is the same on both sides of Porath Road with the majority of the eastern portion of the review area characterized as Partially Hydric (1-25%) and the western portion as Mostly Hydric (76-95%) (Figure 8). The National Resources Conservation Service (NRCS) soil classification boundaries are synonymous with the National Wetland Inventory (NWI) wetland boundaries within the vicinity of the review area (Figure 5; Figure 8). The NRCS soil units also align with both the NWI and soil classifications with the majority of the eastern portion of the review area characterized as Alfisols (base saturation of 35% or higher) and the western portion as Mollisols (base saturation of 50% or higher) (Figure 9). Aerial imagery, digital elevation modeling, LiDAR, and 5-ft Contour mapping also support W1 as an influenced and hydrologically connected extension of the northern wetland complex (Figure 10).

Additional data, including the Web Soil Survey (WSS) and historic United States Department of Agriculture (USDA) Soil Surveys, further support the historic existence of the pre-existing and persistent large wetland complex to include W1. The WSS tool was executed to include an Area of Interest (AOI) which captured the Linck parcel as well as the immediate surrounding landscape such as the unnamed tributary and the western leg of the wetland complex (Figure 28; NRCS WSS 2026). To be concise with the descriptions of the southern portions of the wetland complex, the west leg and Linck parcel leg are the two NWI PEM polygons that exist north to south as depicted on Figure 14.

The WSS report supplements the absence of a current soil survey data on the ground and includes a map of the soil survey units to include acres and percentage (Figure 28, Figure 29). The WSS reported soil map unit 31 (Mission silt loam, 0 to 2%) as making up 58.9% of the targeted AOI. This soil unit captured the entirety of the Linck parcel as well as the area to the west of the parcel and to the north of Porath Road where soil data was unable to be collected on the ground (Figure 28; Dubendorfer, 2024, Dubendorfer 2025).

Two historic USDA Soil Surveys, one from 1939 and one from 1980, include descriptions of the Linck parcel and adjacent landscape as having soil conditions that would support the existence of a wetland before the installation of Porath Road. The Soil Survey from 1939 again classified the majority of the parcel as Ms – Mission silt loam (Figure 30, Figure 31). Along with Ms, the Soil Survey profiled Co – Colville silty clay loam and Ps – Pend Oreille silt loam on the parcel and within the immediate vicinity of the parcel (Figure 31). Most notably, this Survey included a polygon which overlaps with the wetland swale that was characterized as Peat which is a wholly hydric soil (Figure 31.; *USDA Soil Survey Bonner County 1939).* The 1980 Soil Survey includes a similar conjecture with

the presence of Odenson silt loam, 0 to 2% and Pywell-Hoodoo complex, 0 to 1% as being distinct soils characterized on or adjacent to the Linck parcel (Figure 32, Figure 33.; *USDA Soil Survey Bonner County 1980*). Notably, all the historically characterized soils mentioned above are hydric soils which is evidence that the large wetland complex, including W1, existed as a persistent wetland before the installation of Porath Road.

While comparable vegetative communities would be used to further support the reasoning behind W1 existing as part of one wetland complex, the wetland swale, as depicted in Figures 4, 5, 11, & 27, resides on private property where a datapoint was unable to be collected (Dubendorfer, 2025). Historical imagery of the private parcel to the north of Porath Road and to the north of the review area depicts an altered landscape used for agricultural purposes; throughout all available imagery, a saturated wetland swale persists between the relatively permanent tributary and W1 with historic aerial imagery dating as far back as 1958 (Figure 27). With the persistence of the swale feature, and with all available aerial imagery showing the feature, it is assumed the swale is a permanent aquatic resource feature on the landscape that exhibits saturation concurrently with W1.

As noted in a U.S. Army Corps of Engineers site visit on November 13, 2024, *Phalaris arundinacea* dominated the vegetative community in both ditches on either side of Porath Road, including the visible portions of the wetland swale and portions of W1 (Figure 12; Dubendorfer, 2024). While *Phalaris arundinacea* is not necessarily restricted to wetlands, it should be noted as a present species given the altered landscape. To surmise, while vegetative communities have been altered on either side of Porath Road, the existence of a saturated wetland swale and the presence of *Phalaris arundinacea* in deep ditches, W1, and the swale, support the cause that vegetative communities would exhibit similar composition on either side of Porath Road under unaltered natural circumstances (Figure 13).

Similar to “Wetland A” and “Wetland B” exhibiting ponded water on either side of the gravel driveway, W1 collectively exhibits ponded water concurrently with the saturated swale to the north of Porath Road as is evident from all available historic aerial imagery and most clearly depicted in the Bonner County GIS imagery from 2021, 2022, 2023, and 2024 (Figure 21, Figure 22, Figure 23, Figure 24). In addition to the visibly ponded water and the visibly saturated swale which demonstrates consistent and connected hydrology on both sides of Porath Road, the Linck parcel wetland leg and western leg are perpetual features throughout all aerial imagery history dating as far back as 1958 (Figure 27).

In two Department of Defense (DoD) and Environmental Protection Agency (EPA) Memos, one from 2008 and one from 2023, the ecological justification for one wetland has been met when position in landscape, similarities in plant communities and soils, and indicators of a shallow subsurface connection demonstrate that two areas are indeed functioning as one wetland (2008 February 26 Memo; 2023 December 19 Memo). In both memos, a single wetland was divided by man-made features including a berm and dirt track road (2008 February 26 Memo; 2023 December 19 Memo). In the case of W1, W1 slopes slightly down (~3 feet) toward the north wetland and meets with the intermittent tributary (Figure 14). A saturated region to the west of the review area also aligns with the NWI layer and slight slope down (~1 foot) toward the relatively permanent tributary (Figure 15). Both natural wetland swales and accompanying hydrology are persistent through historical aerial imagery, and while divided by an artificial barrier, they consistently present as saturated hydrologic extensions of the larger, northern wetland.

The above information regarding soils, vegetation, and hydrology indicates the Linck parcel wetland is hydrologically connected to the large wetland complex to the north, and that the area, including the Linck parcel wetland, was likely one wetland before Porath Road was constructed. However, the absence of construction history for the Linck parcel driveway and Porath Road e.g., surface condition prior to construction and construction methods, creates uncertainty, preventing the ability to confirm that the area was one pre-existing wetland. The Corps is unable to provide definitive evidence of one pre-existing wetland and that both the wetlands on the Linck parcel and wetlands to North are part of one wetland complex.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

   a. Office Evaluation: April 22-23, 2025
   b. Site Visit and Photo Log MFR: November 13, 2024
   c. Dubendorfer, Tom. (2024). “Wetland Letter Report for 1050 N Kootenai Rd (aka Main St), Kootenai, ID (RP57N02W012400A) T 57N, R 2W, portion of Sec 1; 48.327653°; -116.515365°”
   d. Dubendorfer, Tom. (2025). “Updated Wetland Letter Report for 1050 N Kootenai Rd (aka Main St), Kootenai, ID (RP57N02W012400A) T 57N, R 2W, portion of Sec 1; 48.327653°; -116.515365°”
   e. *USGS StreamStats:* April 23, 2025
   f. *Google Earth:* April 22-23, 2025
   g. *Bonner County Public Mapping Application:* April 22-23, 2025

h. *National Regulatory Viewer:* April 22-23, 2025 – LiDAR, NHD, DEM, Hillshade, Elevation Profile, NWI, NHD, Soil Map Units, Soil Hydric Class, Slope
i. *Title 38, Chapter 13, Idaho Code:* May 6, 2025. https://www.idl.idaho.gov/wp-content/uploads/sites/2/2022/07/Web-Rulebook-2022.pdf
j. *Idaho Department of Environmental Quality Final 2022 §305(b) Integrated Report:* May 6-7, 2025. https://mapcase.deq.idaho.gov/wq2022/
k. *National Wetland Plant List:* January 12. https://nwpl.sec.usace.army.mil/
l. *Sandpoint 1968 Historic Topographic Map (24000):* December 12.
m. *Natural Resources Conservation Service Web Soil Survey:* December 12. https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm
n. *USDA Soil Survey of Bonner County Idaho 1939:* December 12.
o. *USDA Soil Survey of Bonner County Area Idaho 1980:* December 12.

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

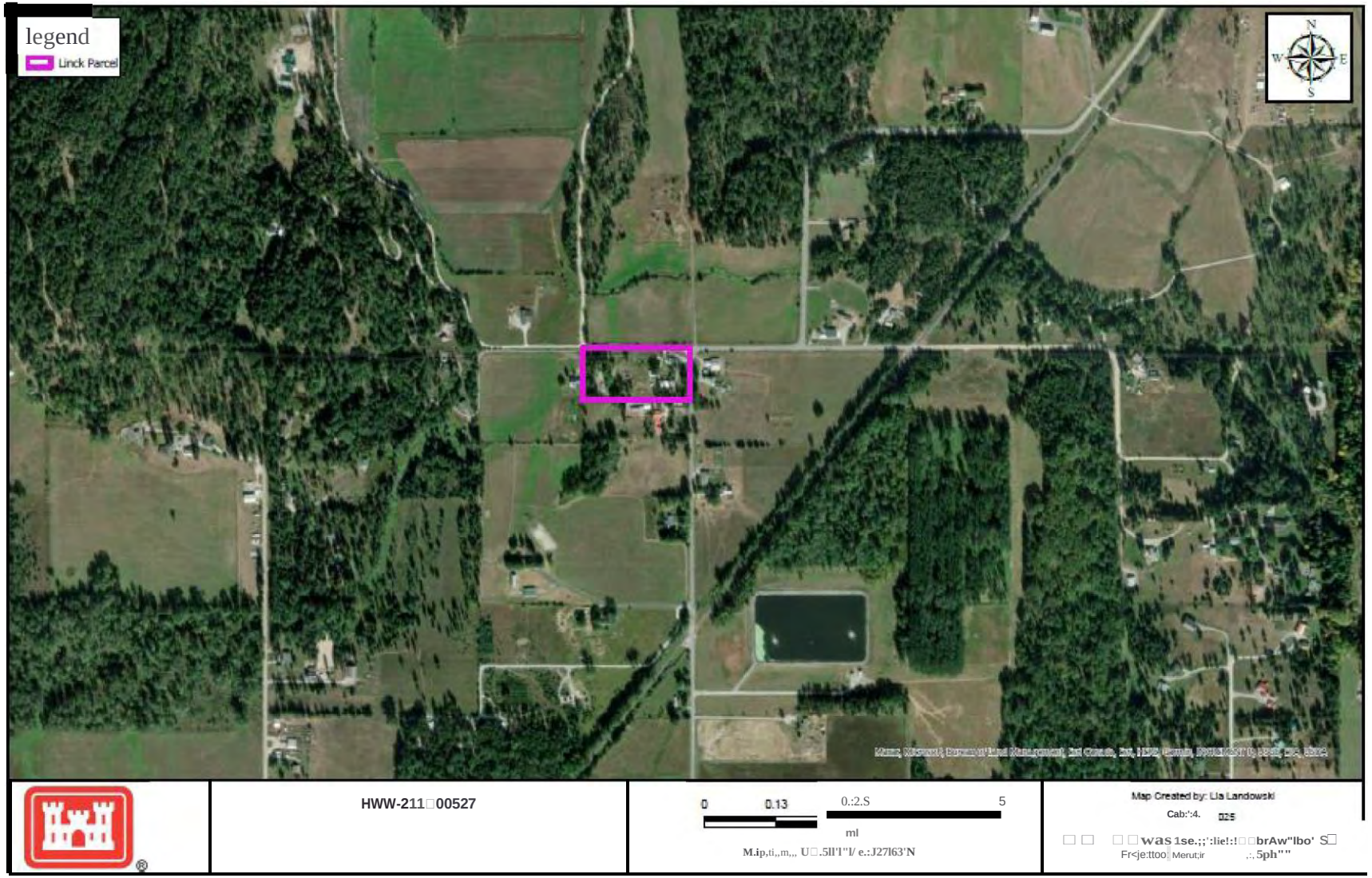


Figure 1. Aerial vicinity map of the Linck Parcel review area.

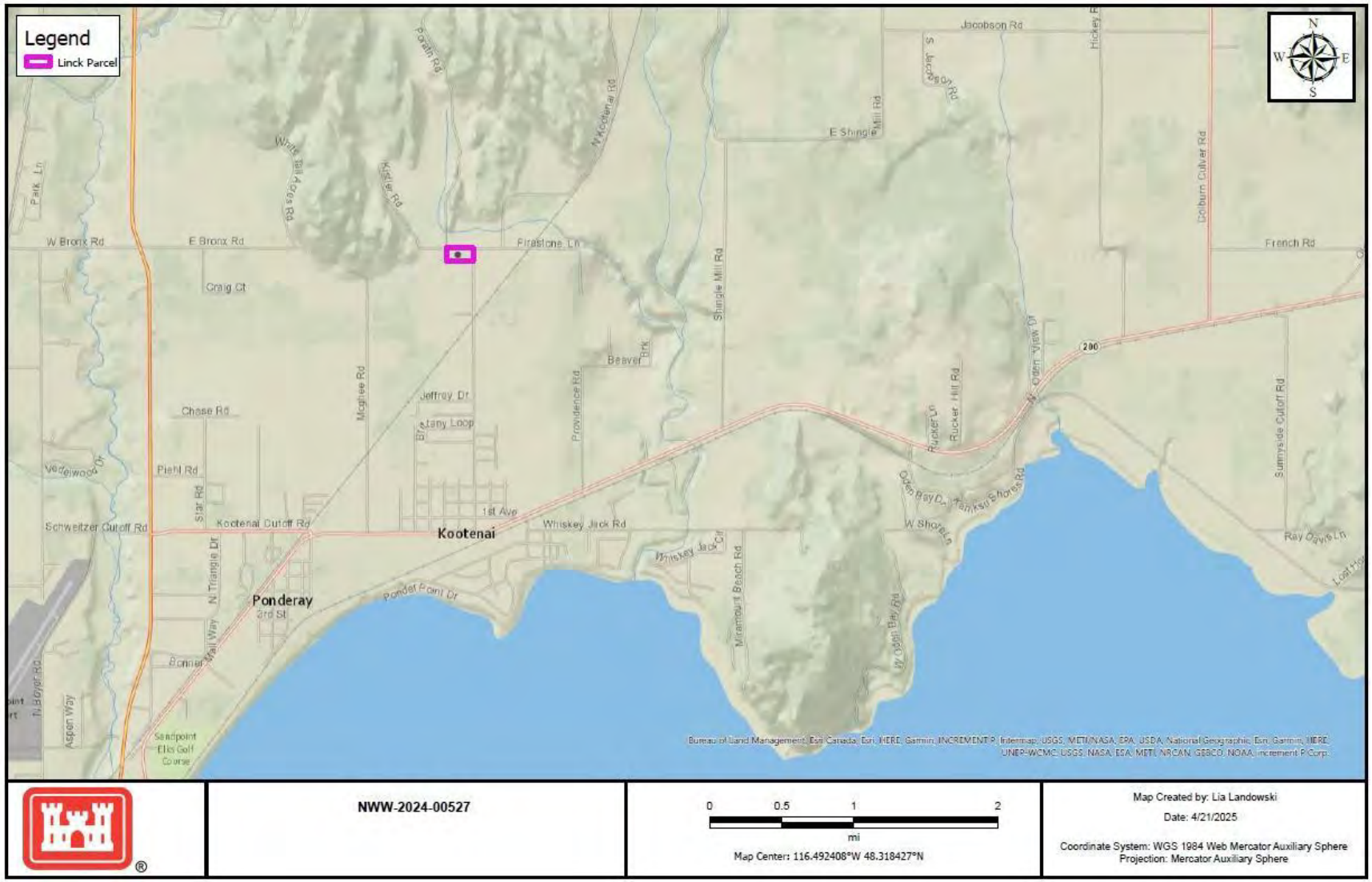


Figure 2. Vicinity map of the Linck Parcel review area with proximity to Kootenai, Idaho and Lake Pend Oreille, Idaho.

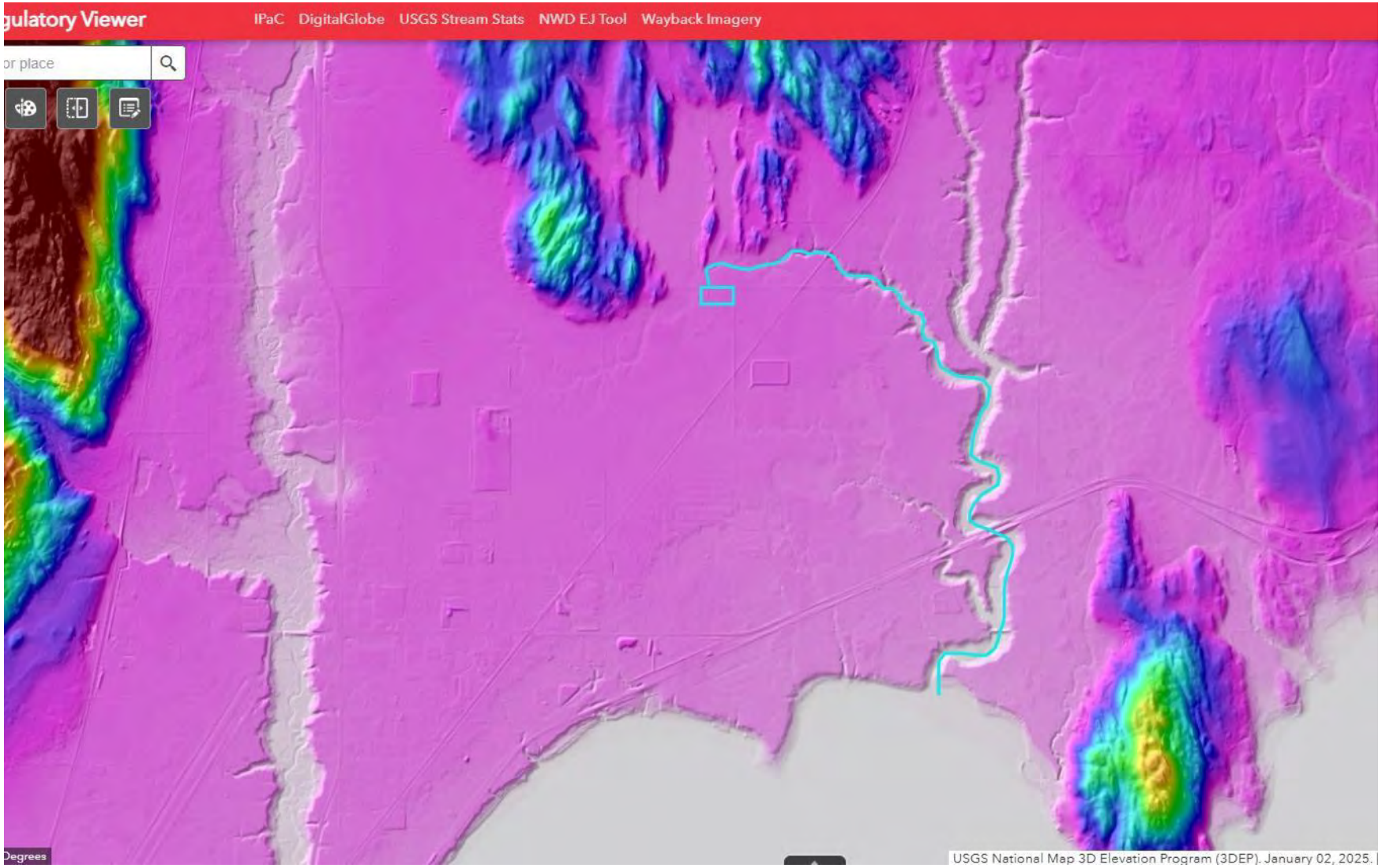


Figure 3. Flowpath map of the Linck Parcel review area with Digital Elevation Model and Hillshade layers.


Figure 4. The wetland swale connection between the wetland complex, the review area (Linck Parcel), and the relatively permanent tributary.

Figure 5. The connection between the wetland complex, the review area (Linck Parcel), and the relatively permanent tributary with the National Wetland Inventory (NWI) layer.

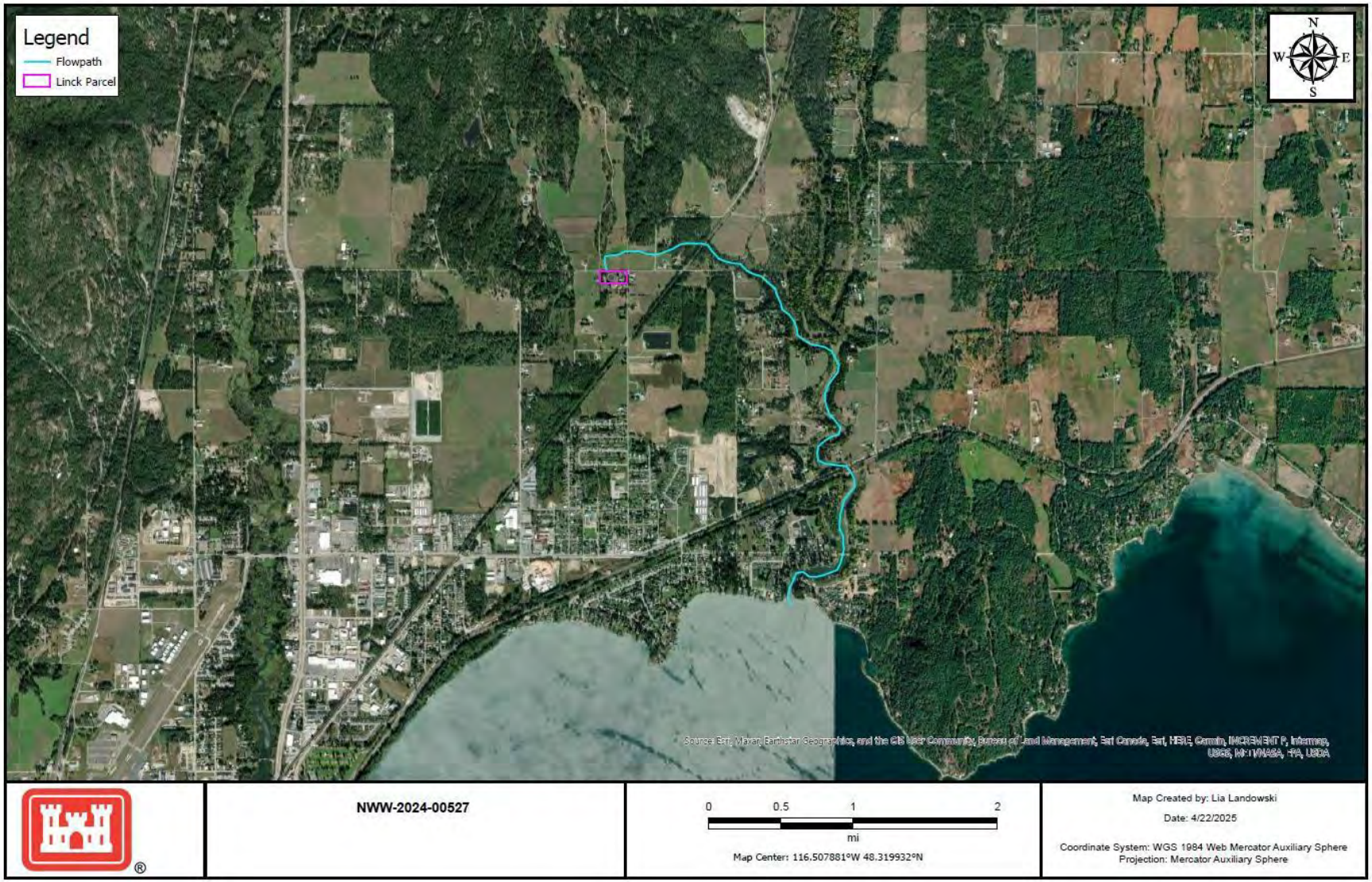


Figure 6. The flowpath connection to Lake Pend Oreille, a navigable water of the United States, to the review area (Linck Parcel).

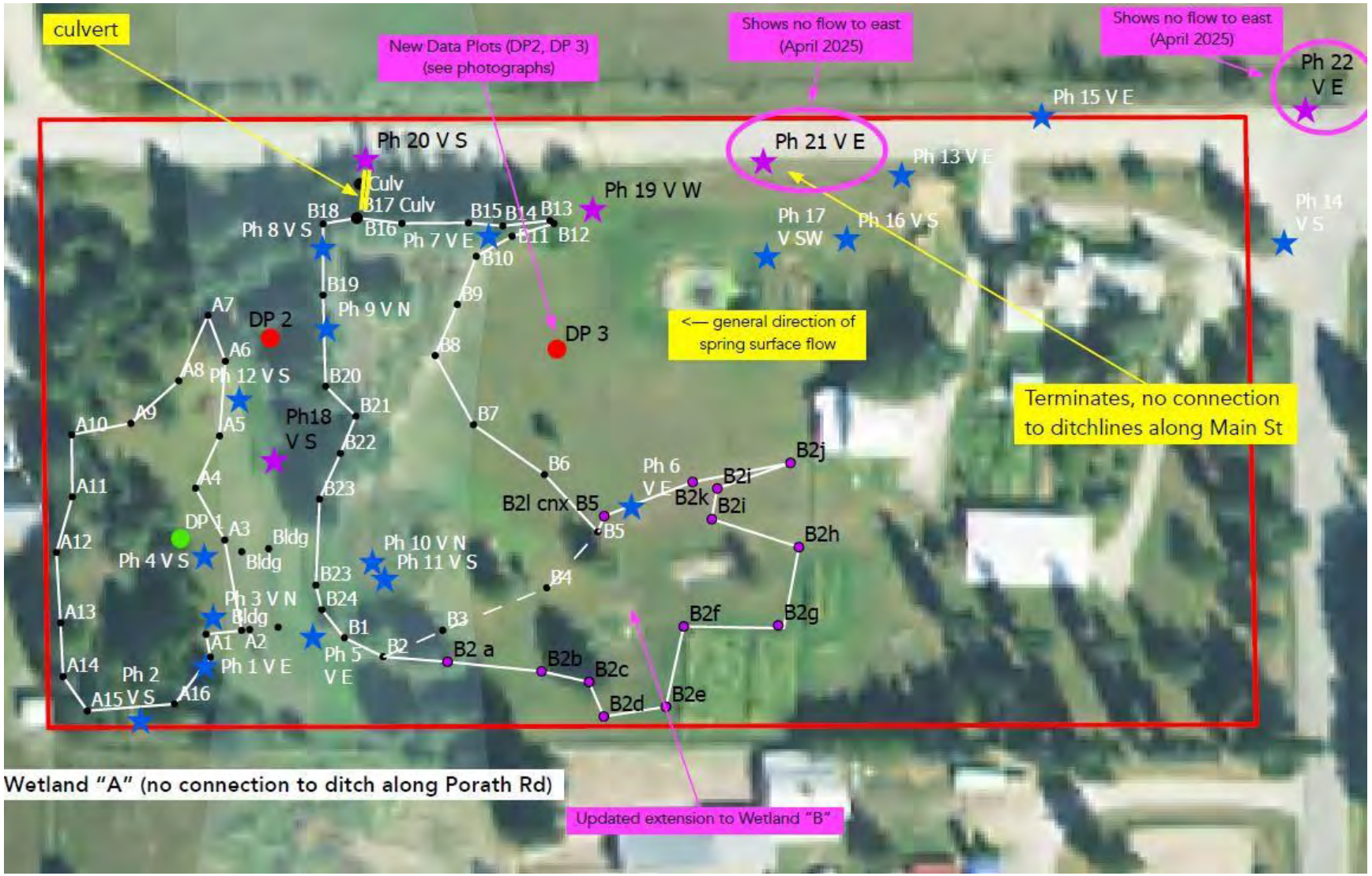


Figure 7. Updated delineated wetland boundaries from the April 16, 2025, submitted report regarding the review area (Linck Parcel).

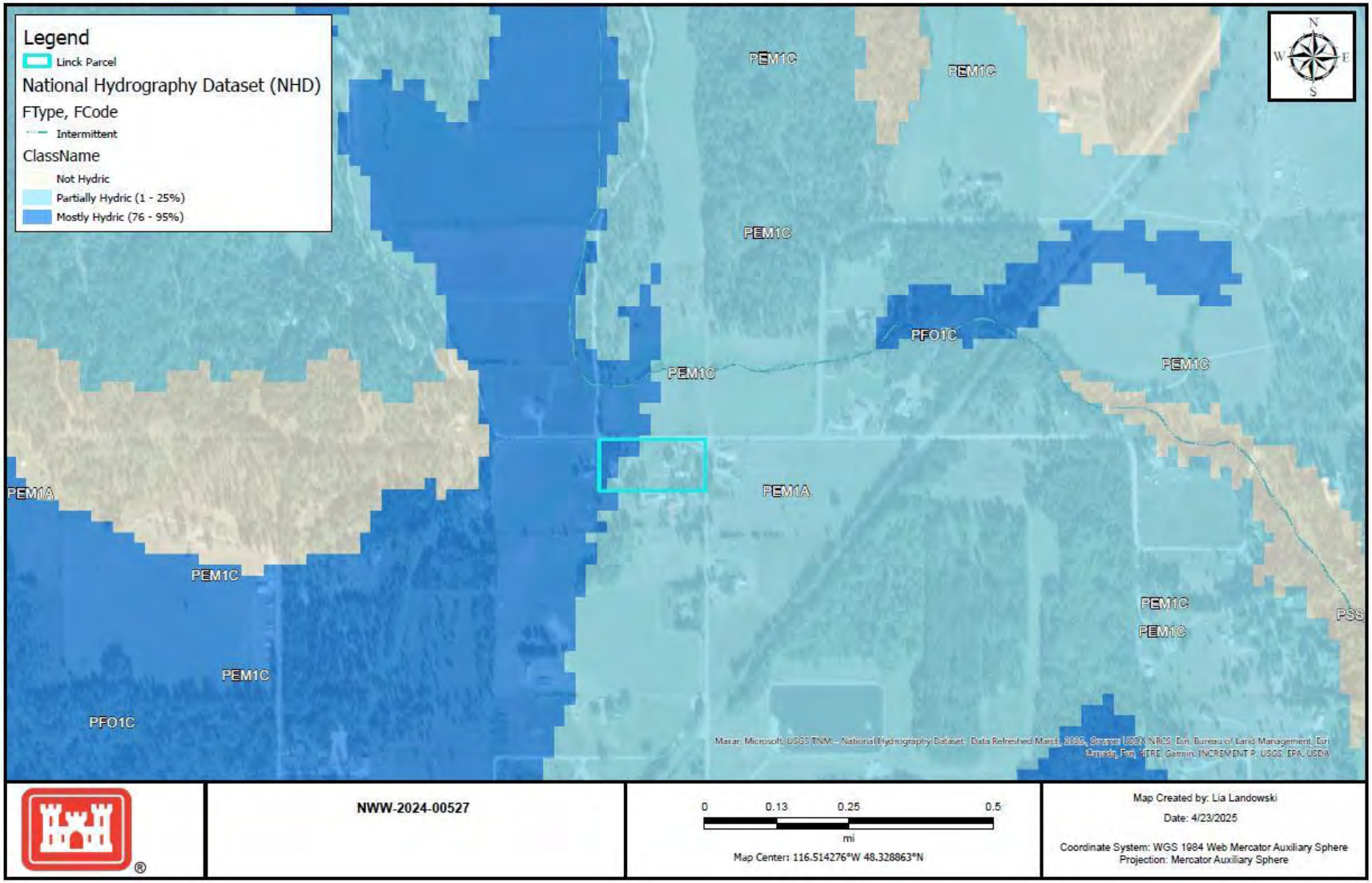


Figure 8. A Soil Class map depicting the two soil classes, partially hydric and mostly hydric, overlapping with the Linck Parcel.

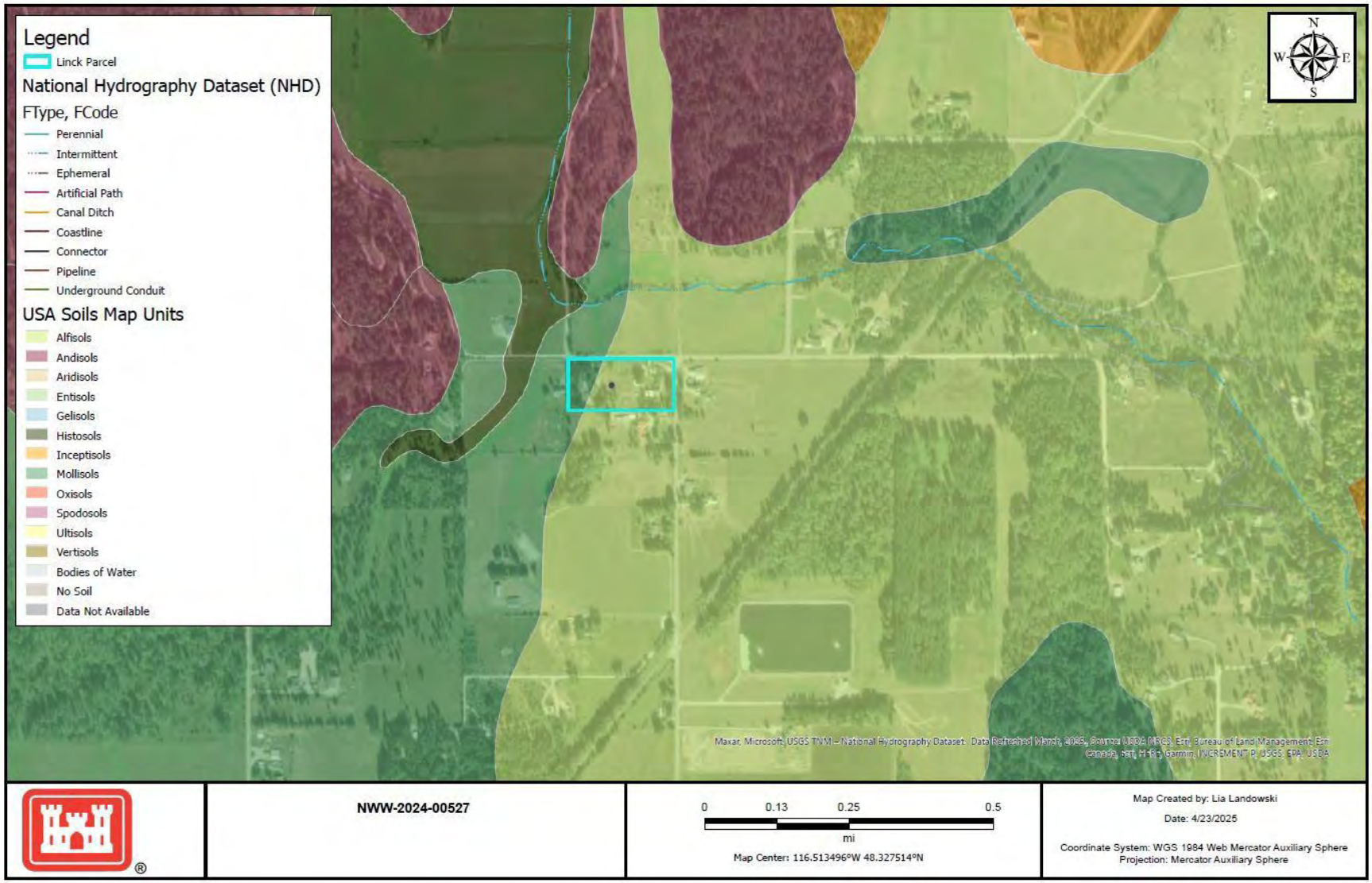


Figure 9. A Soil Units map depicting the two soil units, Alfisols and Mollisols, overlapping with the Linck Parcel.

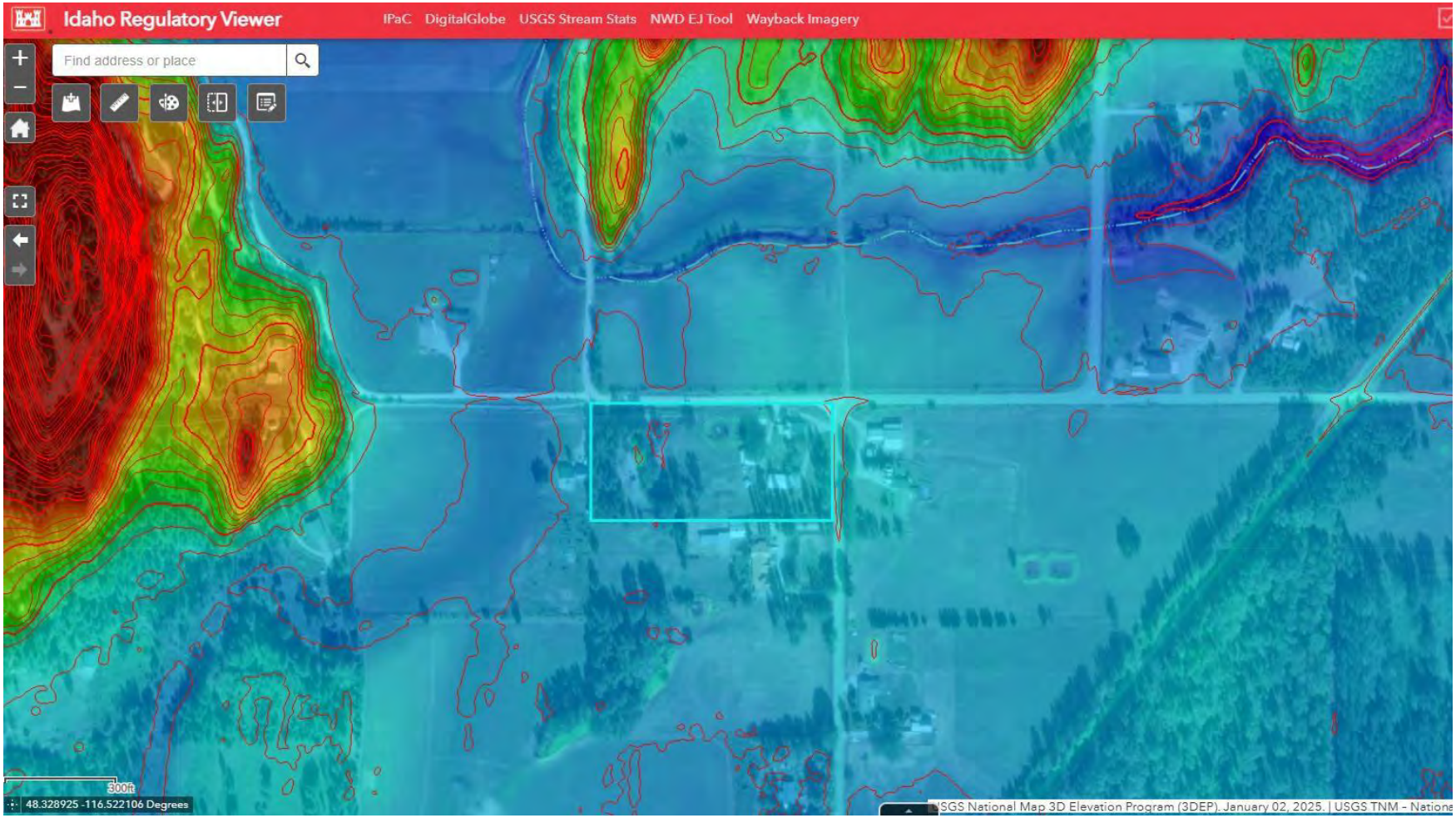

Figure 10. The Linck parcel with Digital Elevation Model and 5-ft contour layers.

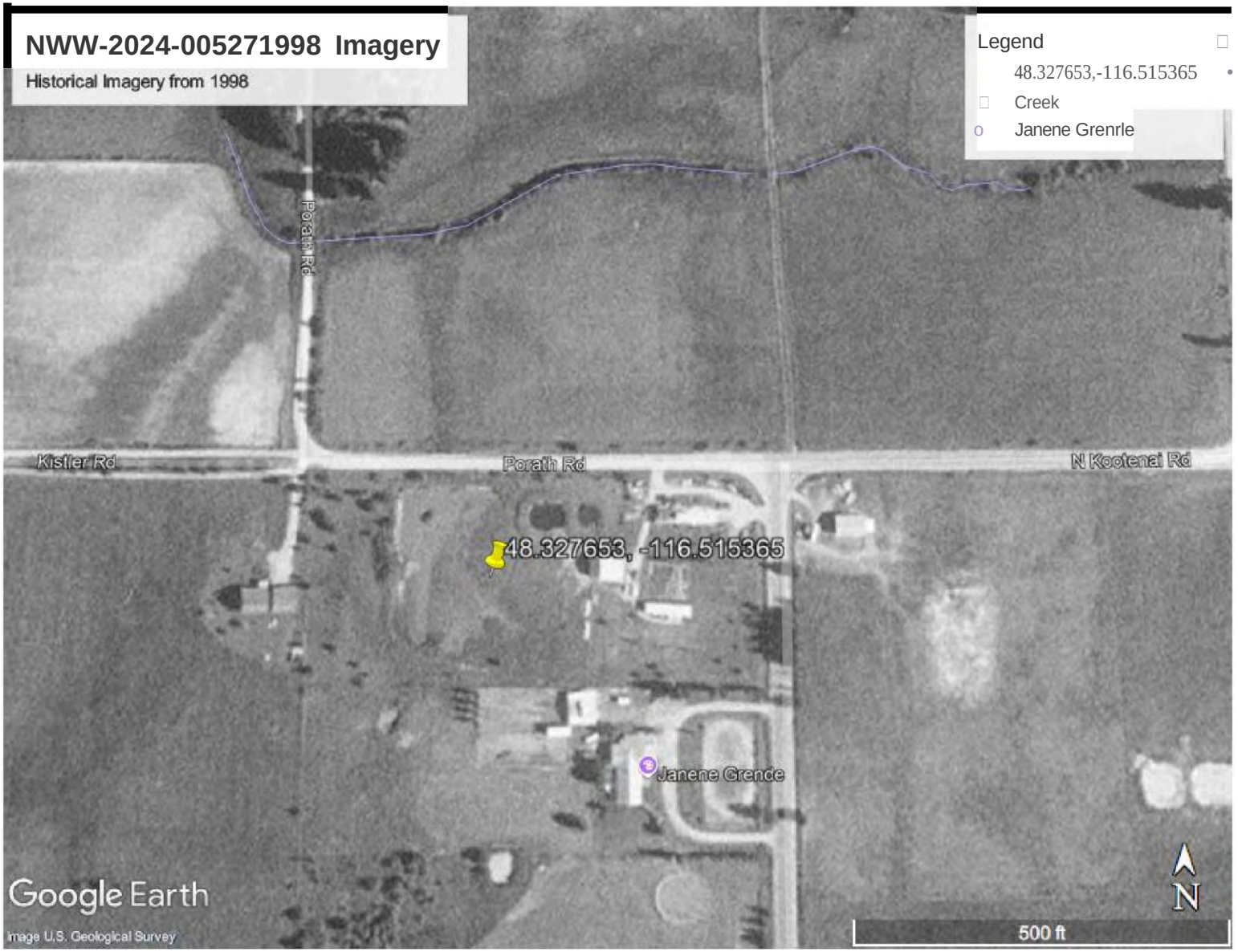


Figure 11. Google Earth Imagery from 1998.

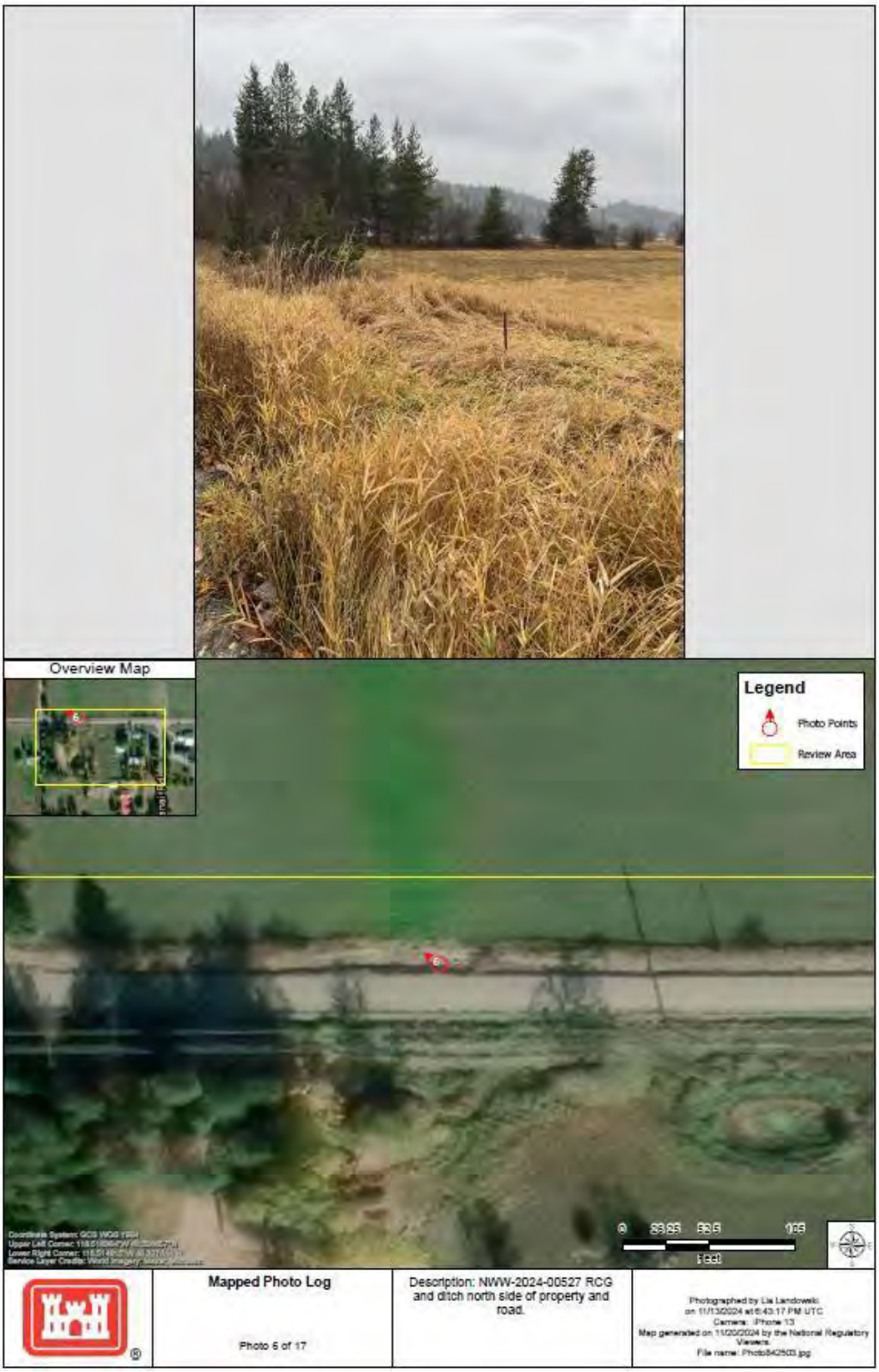


Figure 12. Mapped photo logged point from a U.S. Army Corps site visit on November 20, 2024, depicting the natural wetland swale and *Phalaris arundinacea* present in the ditch and swale.

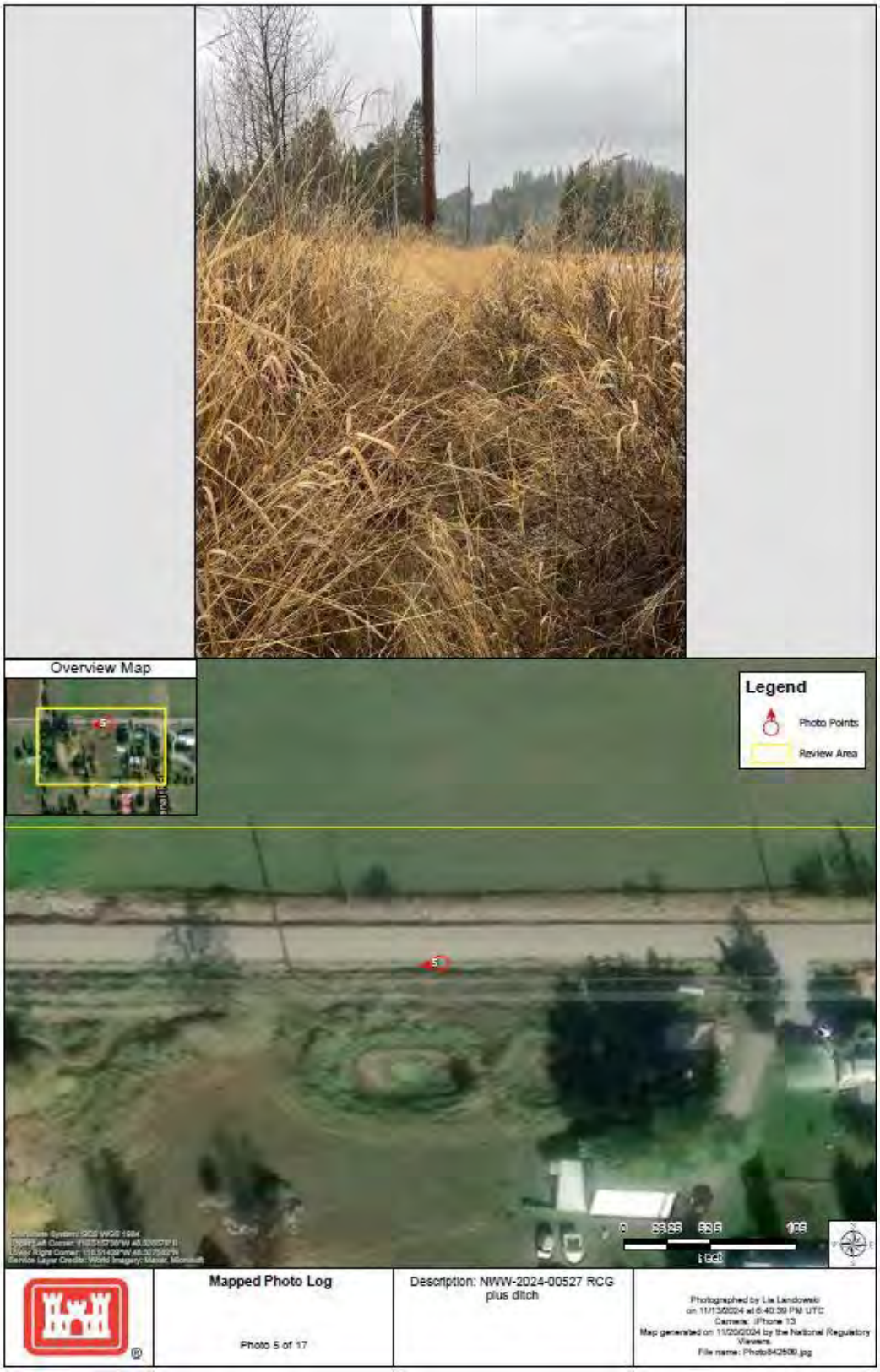


Figure 13. Mapped photo logged point from a U.S. Army Corps site visit on November 13, 2024, depicting *Phalaris arundinacea* presence in the ditch and in W1.


Figure 14. Elevation profile depicting the transect (green place markers) from the intermittent tributary (dashed blue line, elevation 2,133 feet) to the edge of the Linck parcel (teal blue box, elevation 2,136 feet). The NWI layer indicates wetland in light green polygons.


Figure 15. Elevation profile depicting the transect (green place markers) from the intermittent tributary (dashed blue line, elevation 2,132 feet) to the edge of the Linck parcel (teal blue box, elevation 2,133 feet). The NWI layer indicates wetland in light green polygons.

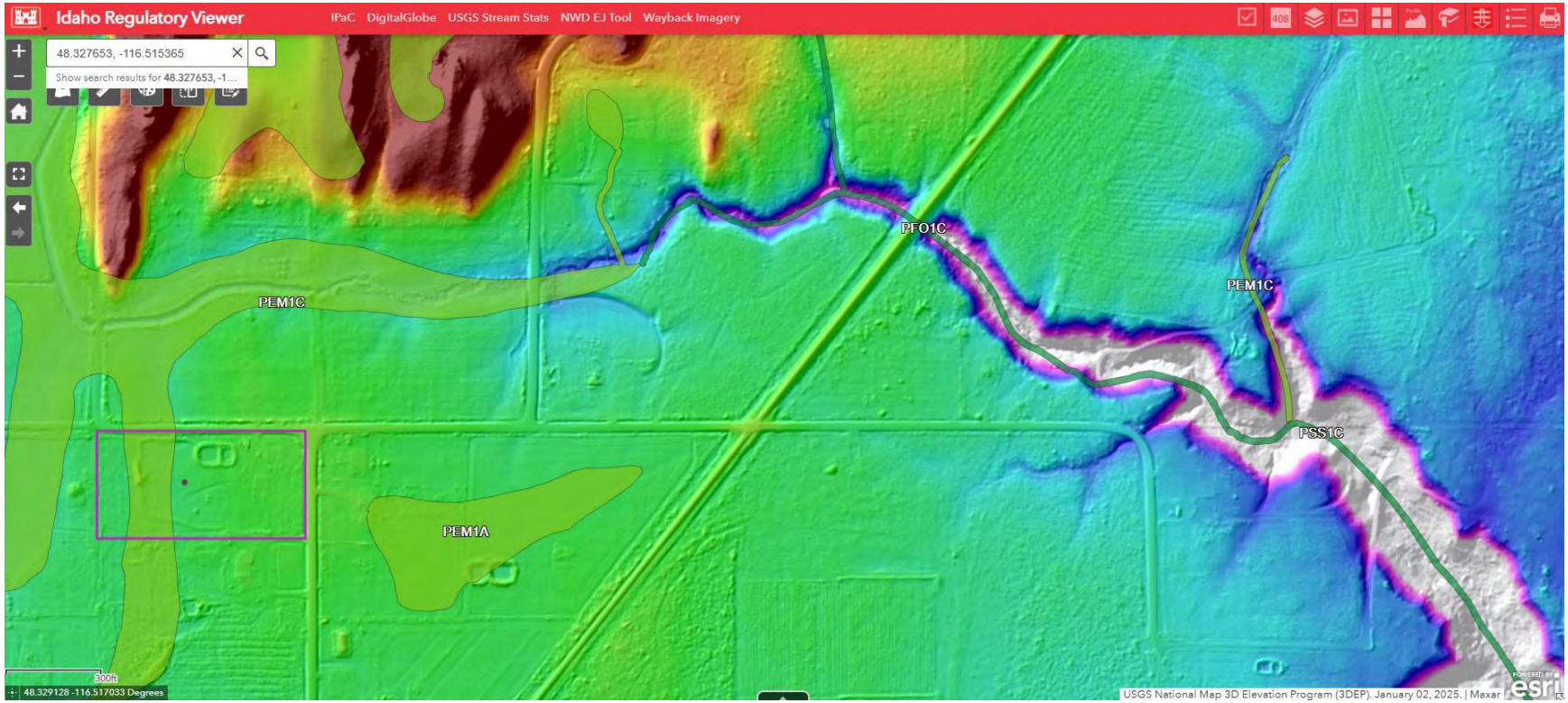

Figure 16. The Linck parcel (outlined in pink) with the Digital Elevation Model, hillshade, and NWI layers demonstrating the continuous surface connection of the relatively permanent unnamed tributary and its connection with a traditionally navigable water, Boyer Slough.


Figure 17. Bonner County GIS imagery from 2021 during low water/winter draw down months.


Figure 18. Bonner County GIS imagery from 2022 during high water/summer pool months.

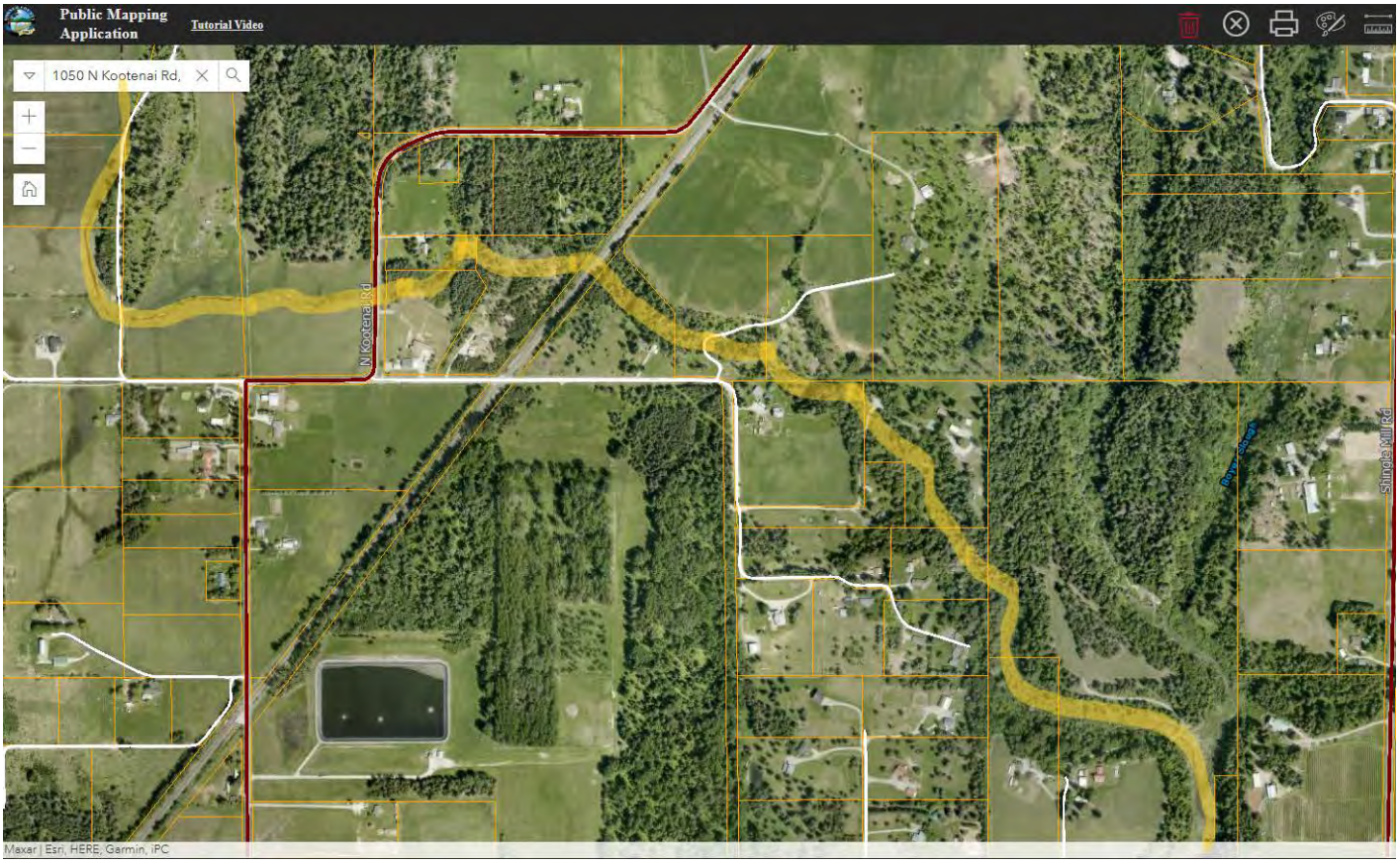


Figure 19. Bonner County GIS imagery from 2023 during high water/summer pool months.


Figure 20. Bonner County GIS imagery from 2024 during low water/winter draw down months.


Figure 21. Bonner County GIS imagery from 2021 depicting a wet channel during low water/winter draw down months.


Figure 22. Bonner County GIS imagery from 2022 depicting a wet channel and wet corridor during high water/summer pool months.


Figure 23. Bonner County GIS imagery from 2023 depicting a wet channel and wet corrdior during high water/summer pool months.

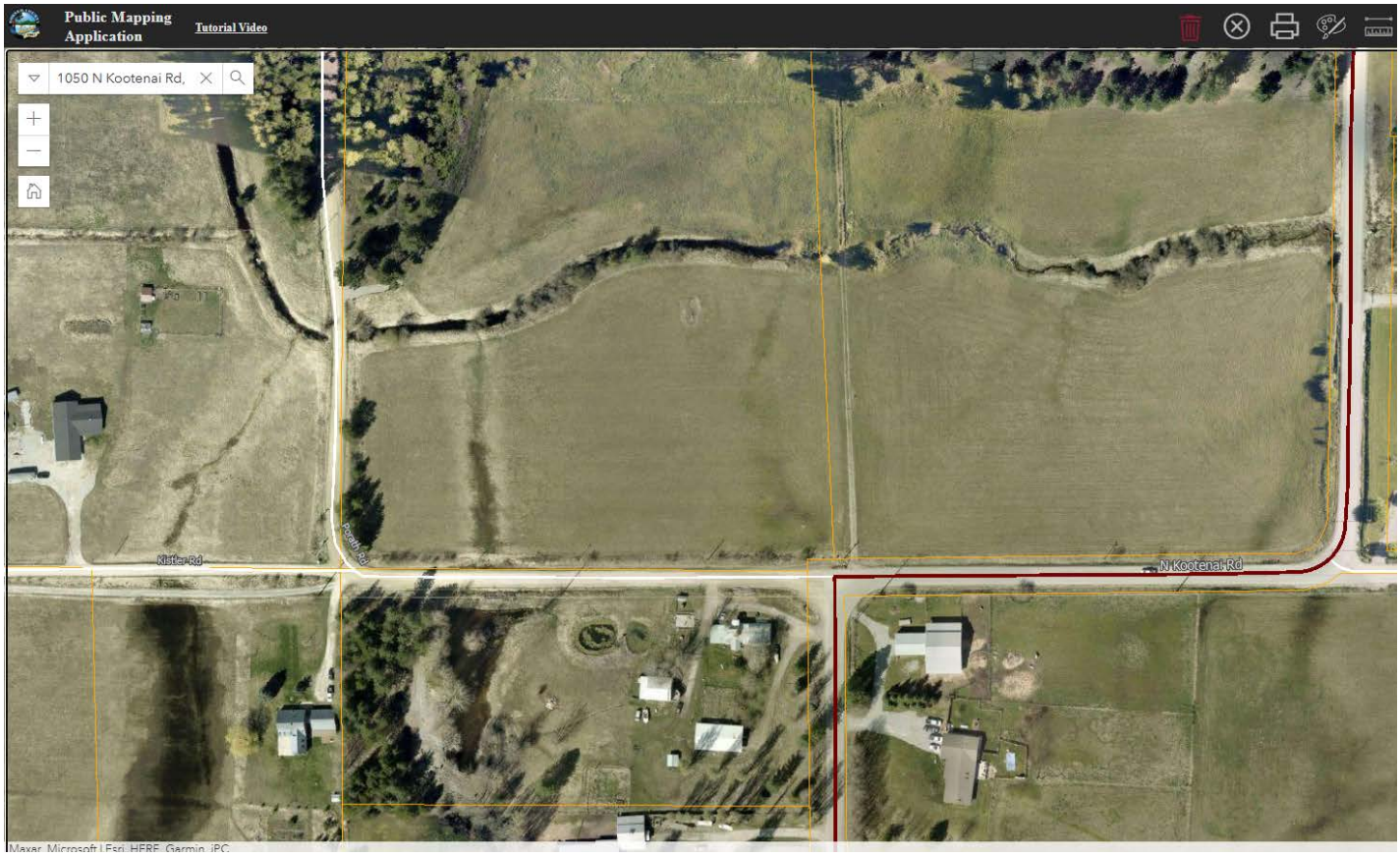


Figure 24. Bonner County GIS imagery from 2024 depicting a wet channel during low water/winter draw down months.


Figure 25. An elevation profile between “Wetland A” and “Wetland B” on the Linck parcel (outlined in teal). The elevation profile characterizes two low-lying areas intercepted by a spike in elevation which is represented on site by the gravel road.

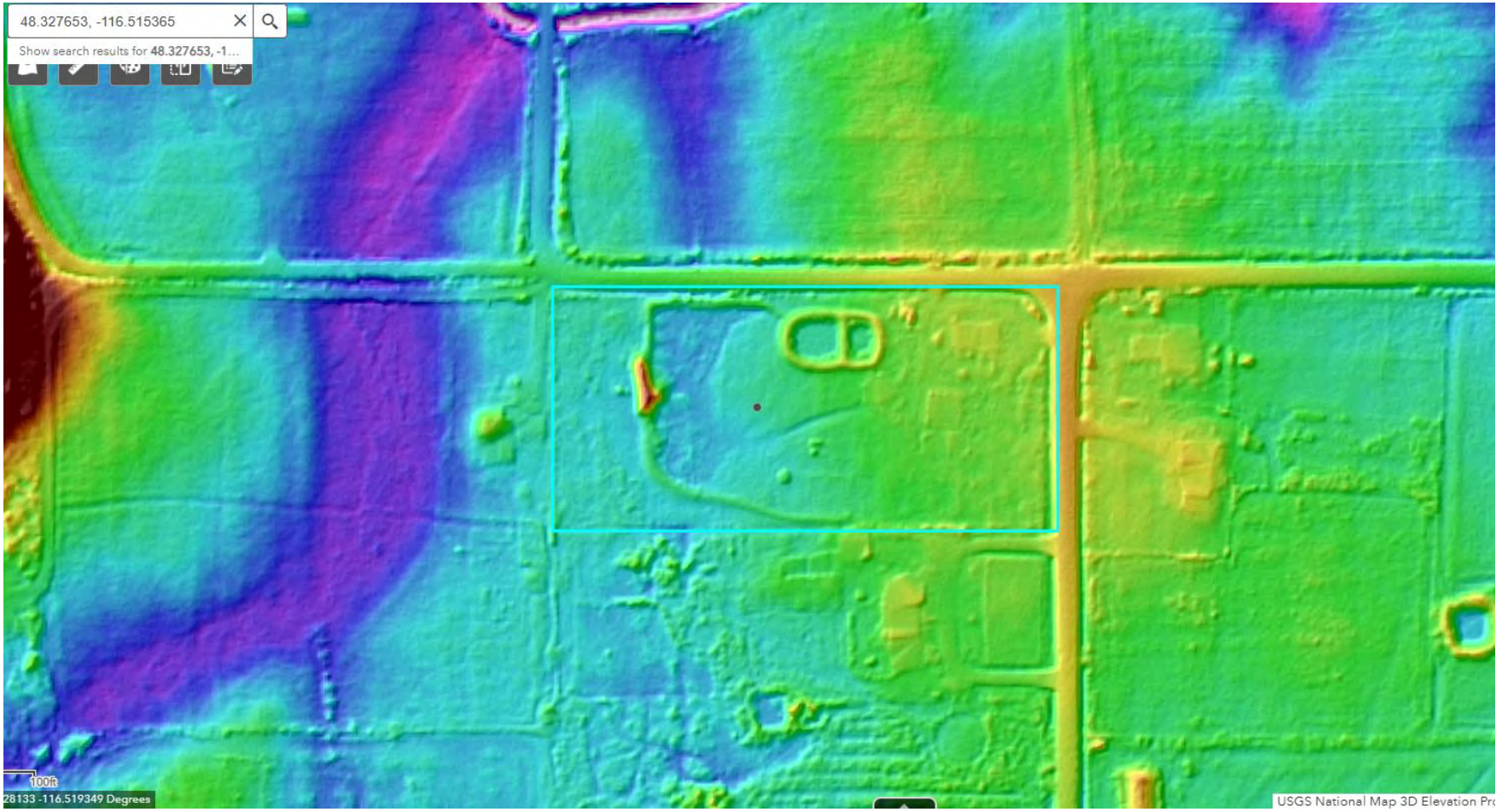


Figure 26. The Linck parcel (outlined in teal) with Digital Elevation Model and Hillshade layers depicting low-lying areas that were classified as “Wetland A” and “Wetland B” on the delineation reports existing on both sides of a raised topographic feature.


Figure 27. Aerial imagery of the Linck property (red star) and surrounding landscape from 1958 showing the consistent hydrologic patterns to the north and south of Porath Road.

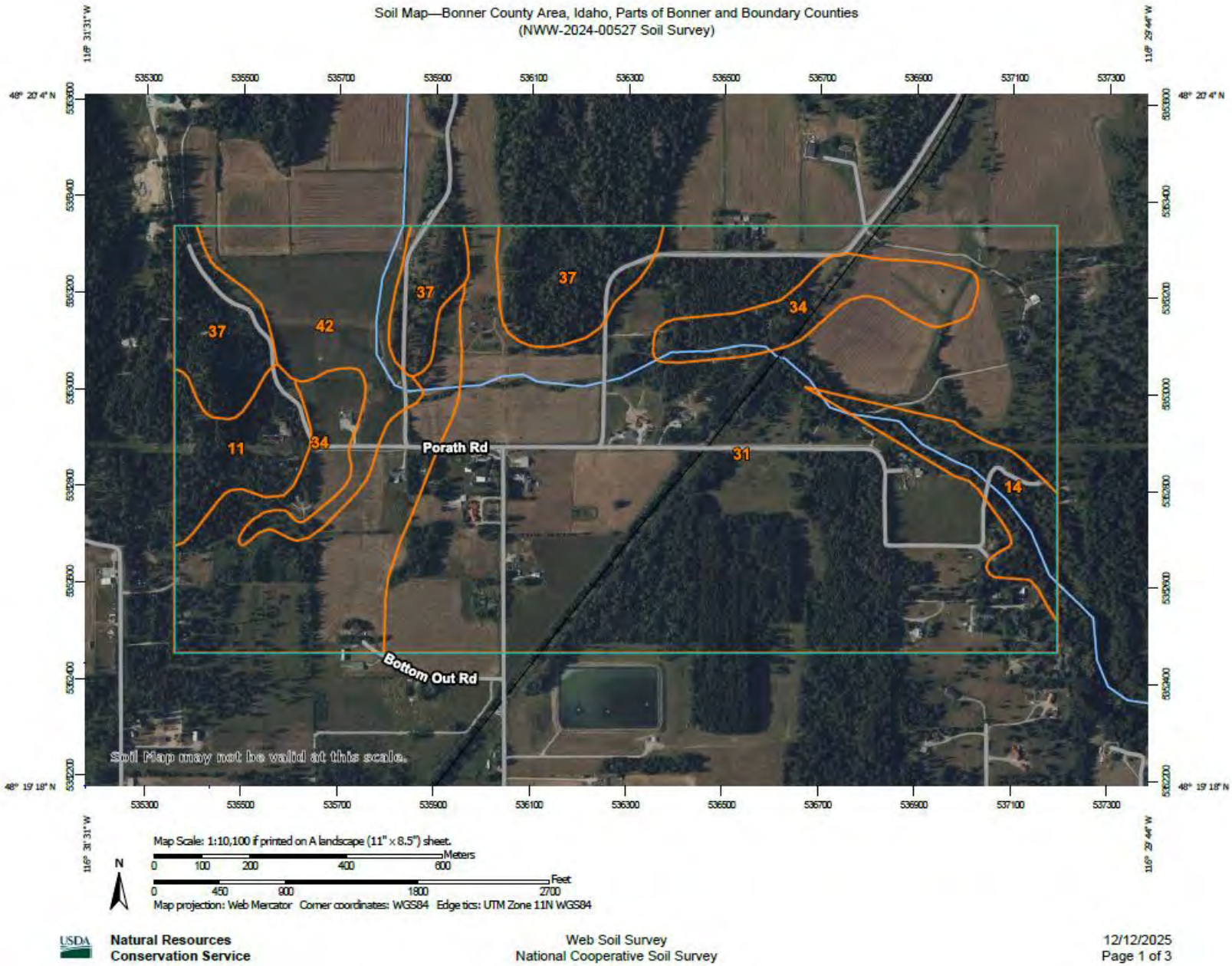


Figure 28. The Web Soil Survey map created after running a soil survey report with the green outlined polygon as the area of interest.

## Map Unit Legend

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|---|---|---|---|
| 11 | Dufort-Rock outcrop complex, 5 to 45 percent slopes | 15.5 | 3.8% |
| 14 | Haploxeralfs and Xerochrepts, 30 to 55 percent slopes | 14.6 | 3.6% |
| 31 | Mission silt loam, 0 to 2 percent slopes | 237.3 | 58.9% |
| 34 | Odenson silt loam, 0 to 2 percent slopes | 66.4 | 16.5% |
| 37 | Pend Oreille-Rock outcrop complex, 5 to 45 percent slopes | 38.4 | 9.5% |
| 42 | Pywell-Hoodoo complex, 0 to 1 percent slopes | 30.6 | 7.6% |
| **Totals for Area of Interest** | | **402.8** | **100.0%** |

Figure 29. The Web Soil Survey descriptive soil units from Figure 20.

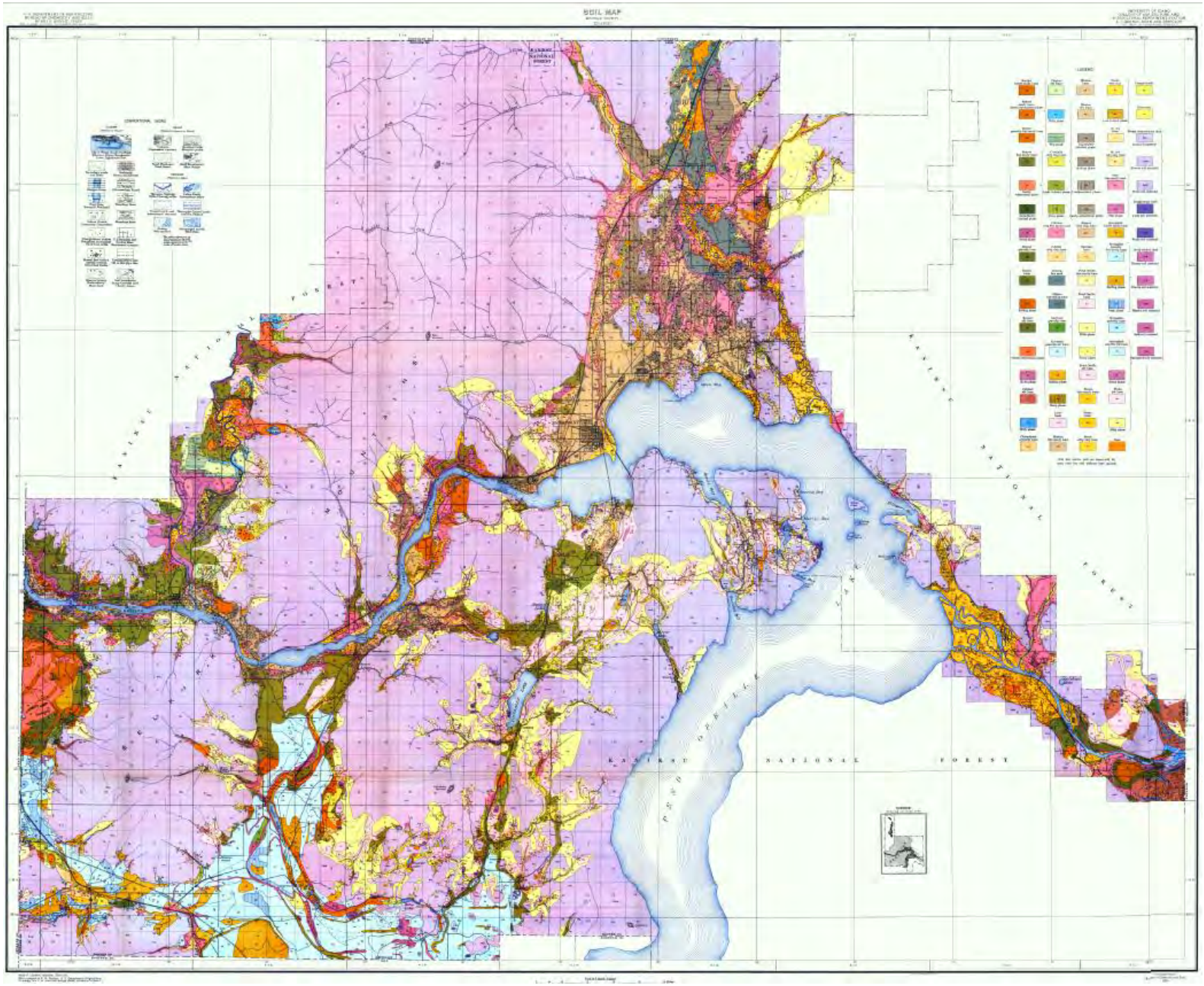


Figure 30. The 1939 Soil Survey of Bonner County, Idaho map.

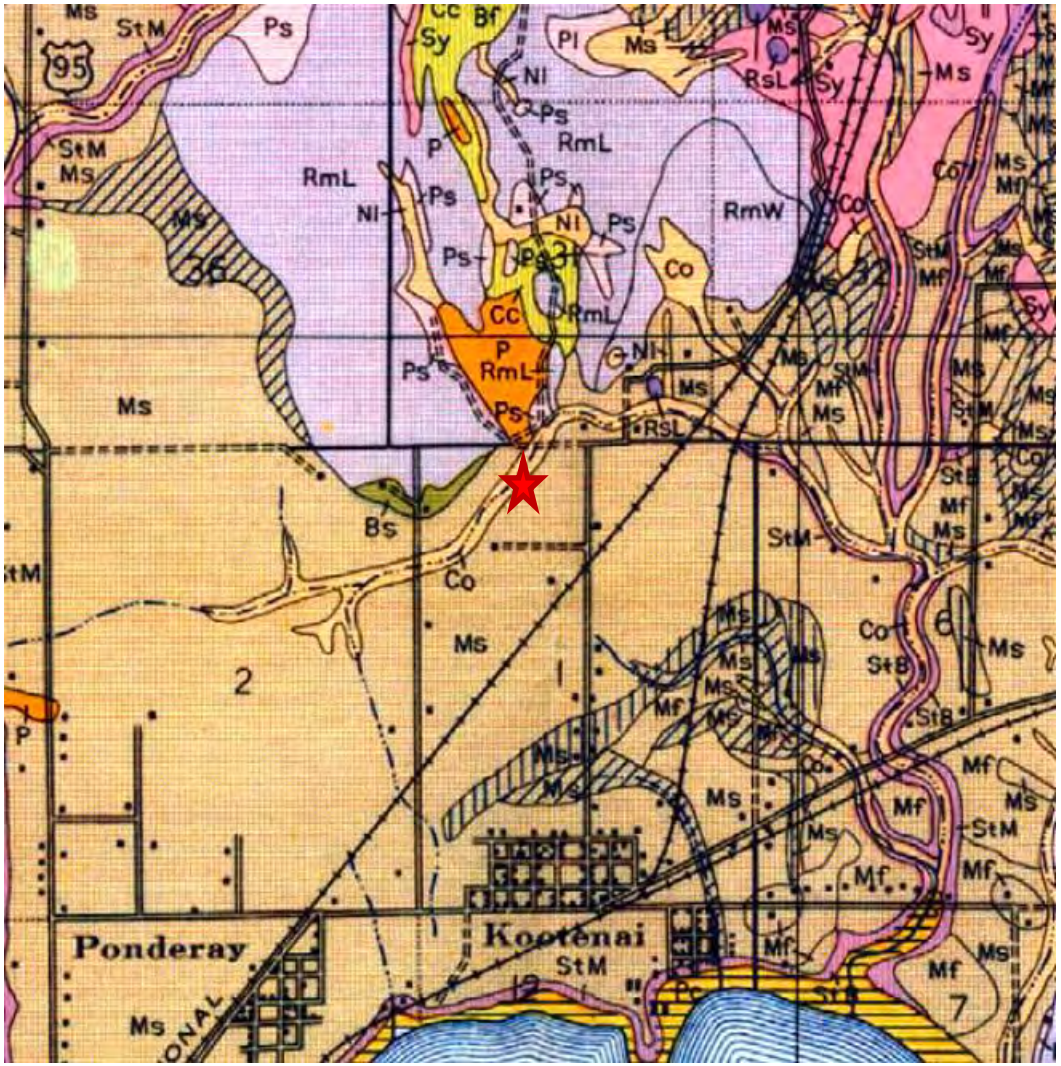


Figure 31. The 1939 Soil Survey of Bonner County, Idaho map clipped to show the region surrounding and overlapping what is currently the Linck parcel (red star). The survey characterizes the majority of the Linck parcel as Ms – Mission silt loam with a linear feature running northeast to southwest characterized as Co – Colville silty clay loam. Notably, the orange polygon to the north of the Linck parcel, which overlaps with the wetland swale, is characterized as P – Peat. Mission silt loam, Colville silty clay loam, and Peat are hydric soils.

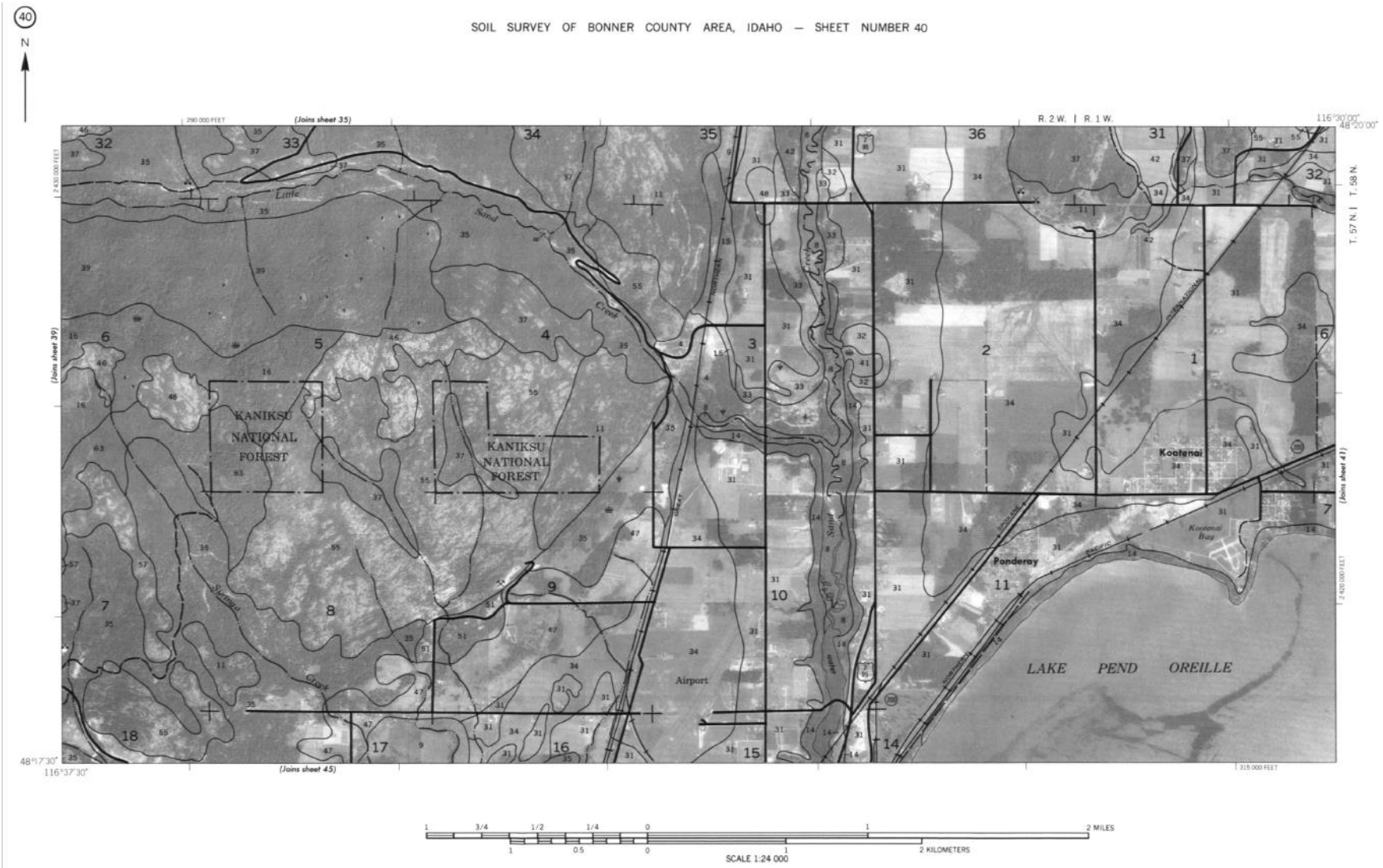


Figure 32. The 1980 Soil Survey of Bonner County, Idaho map showing section 40 where the Linck parcel resides.

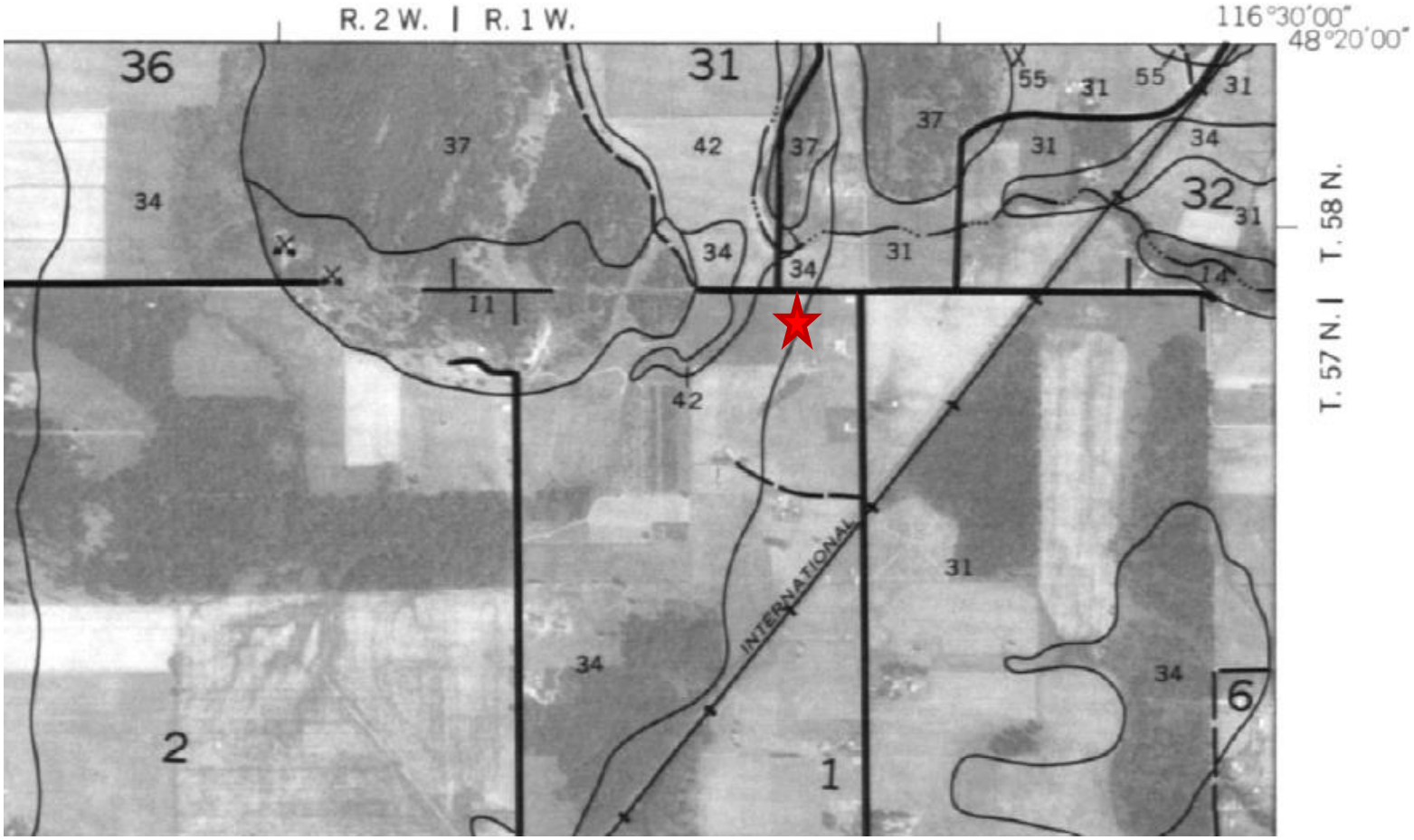

Figure 33. The 1980 Soil Survey of Bonner County, Idaho map clipped to show the region surrounding and overlapping what is currently the Linck parcel. The survey characterizes the Linck parcel as 34 – Odenson silt loam, 0 to 2%. Notably, the polygon to the north and west of the Linck parcel, which aligns with the west leg of the wetland complex, is characterized 42 – Pywell-Hoodoo complex, 0 to 1%. Both of the Odenson silt loam and Pywell-Hoodoo soil types are hydric soils.


Figure 34. Google Earth Imagery of the Linck parcel and the earthwork activities since 2014. Specifically, 2014 shows a seemingly flat area between what was characterized as “Wetland A” and “Wetland B”; 2019 shows a seemingly flat area between what was characterized as “Wetland A” and “Wetland B”; 2022 shows both excavation activities within “Wetland B” and discharge of fill where the present-day driveway exists and where the driveway subsequently divides “Wetland A” and “Wetland B”.