

U.S. Army Corps of Engineers

DISTRICT OFFICE: Walla Walla (CENWW)
FILE NUMBER: NWW 2006-685-C03

PROJECT LOCATION INFORMATION:

State: Idaho
County: Kootenai
Center coordinates of site (UTM): Zone11 Northing: 5275767 Easting: 524614
Approximate size of area (parcel) reviewed, including uplands: .50 acres.
Name of nearest waterway: Coeur d'Alene Lake
Name of watershed: Coeur d'Alene Lake

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: November 14, 2006
Site visit(s) Date(s):

Jurisdictional Determination (JD):

- Preliminary JD - Based on available information, *there appear to be* (or) *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: formfld.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: formfld.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) - (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). Coeur d'Alene Lake is a natural lake that flows into the Spokane River which is an interstate water that flows into the Columbia River, which is a navigable water. It has been impounded by the construction of Post Falls Dam, a hydroelectric project on the Spokane River operated by Avista Utilities to maintain a water surface elevation of 2128 feet WWP (Washington Water Power Datum) during the summer recreation season. Residents, out-of-state, and foreign visitors use the lake for boating, fishing, hunting, swimming, and general recreation. Visitors also own waterfront property on the lake and use the public beaches and many public boat launch facilities available around the lake. Visitors also patronize the numerous commercial marinas, cruise boat rides, guided tour boats, seaplane and parasail operations on the lake.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

- | | |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Ordinary High Water Mark indicated by: | <input type="checkbox"/> High Tide Line indicated by: |
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects |
| <input type="checkbox"/> the presence of litter and debris | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> physical markings/characteristics |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation | <input type="checkbox"/> tidal gages |
| <input type="checkbox"/> shelving | <input type="checkbox"/> other: formfld |

- other: Full Lake elevation of 2128 feet WWPD as regulated at Post Falls Dam.
- Mean High Water Mark indicated by:
 survey to available datum; physical markings; vegetation lines/changes in vegetation types.
- Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated, prepared by (company):
- This office does not concur with the delineation report, dated, prepared by (company):
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps:
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: (NGVD)
- Aerial Photographs (Name & Date):
- Other photographs (Date):
- Advanced Identification Wetland maps:
- Site visit/determination conducted on:
- Applicable/supporting case law:
- Other information (please specify):

Preparer: Beth Reinhart **Date:** 11/14/06

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.