



**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): 3/31/2021
 ORM Number: NWS-2019-820; Douglass, Harlan
 Associated JDs: N/A
 Review Area Location¹: State/Territory: WA City: Spokane County/Parish/Borough: Spokane
 Center Coordinates of Review Area: Latitude 47.6026 Longitude -117.5443

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.



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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.18	acre(s)	(b)(1) Non-adjacent wetland.	The wetland areas within the 102.2 acre review area are not adjacent to and have no surface connection to an (a)(1)-(a)(3) water. See Section III. C. for additional comments.
Wetland B	1.42	acre(s)	(b)(1) Non-adjacent wetland.	See Above
Wetland C	0.14	acre(s)	(b)(1) Non-adjacent wetland.	See Above
Wetland D	0.57	acre(s)	(b)(1) Non-adjacent wetland.	See Above
Wetland 5	0.10	acre(s)	(b)(1) Non-adjacent wetland	See Above

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 Report Dated 5 April 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 photos included in reports referenced above and Google Earth photos from 1985 to 2020. Site photos taken on 30 March 2021 site visit and are also included in above-referenced report. See photos and accompanying photo log dated 31 March 2021 in administrative file.](#)

Corps site visit(s) conducted on: [30 March 2021](#)

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: [Provided in wetland delineation report cited above, dated 5 April 2018 and re-assessed on USFW website on 29 March 2021](#)

USFWS NWI maps: [Provided in wetland delineation report cited above, dated 5 April 2018 and re-assessed on USFW website on 29 March 2021](#)

USGS topographic maps: [Four Lakes \(1:24K\) ,1973](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.

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.



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

Data Source (select)	Name and/or date and other relevant information
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: The 102.2 acre review area contains 2.41 acres of depressional wetlands near the Spokane International Airport and a rapidly developing industrial corridor. Water from the parcel generally ponds, evaporates or slowly infiltrates within the wetland areas and there are no surface outlets through Thomas Mallen Road or Geiger Boulevard. There are two cross-culverts that generally drain to the wetlands from the median of Interstate 90 but there is no surface flow from the wetlands. The parcel under review is separated (and has historically always been separated) from Hangman Creek, an (a)(2) tributary water, by roadways including Interstate 90. Marshall Creek is over 4 miles east and Hangman Creek is over 5 miles northeast of the wetland areas. NHD mapping indicates a ditch running parallel to Thomas Mallen Road that flows north across the airport property, then westerly through an unnamed tributary to the Spokane River 7.8 miles downstream. The wetlands are not connected to the roadside ditch.