

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** January 25, 2011.

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Sacramento District, Sacramento District, 1500 South Street Reconstruction Woods Cross City, SPK-2010-01472-UO, \_\_\_\_\_.

Name of water being evaluated on this JD form: Roadside Ditch

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Utah County: Davis County City: Woods Cross

Center coordinates of site (lat/long in degree decimal format): Lat: 40.874517694429° N, Long: -111.920395251234° W

Universal Transverse Mercator: 12 422446.25 4525235.14 .

Name of nearest waterbody: Great Salt Lake.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Great Salt Lake.

Name of watershed or Hydrologic Unit Code (HUC): Jordan, Utah., 16020204.

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List other JDs: N/A

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: N/A.

Field Determination. Date(s): 01/21/11.

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: N/A.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: N/A linear feet N/A width (ft) and/or N/A acres.

Wetlands: N/A acres.

**c. Limits (boundaries) of jurisdiction based on: **Not applicable.** and **Not applicable.****

Elevation of established OHWM (if known): N/A.

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **Approximately 3000 linear feet of roadside ditch was identified along 1500 South in Wood Cross City between Redwood Road and Park View Drive. The roadside ditch does not convey irrigation flows and does not receive water**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

from wetlands or any other water of the U.S.. These roadside ditches appear to drain only upland areas. Flows from the ditch enter a piped system at Redwood Road and continue to flow west and north until the discharge point into the Great Salt Lake. No wetlands were identified along the ditch, adjacent to the ditch or nearby the ditch. The ditch has no defined bed and bank or OHWM. The absence of clearly defined bed and bank, the lack of OHWM indicators, and the absence of wetland vegetation within the channel suggest that all of the conveyances are upland ditches draining only uplands and therefore are potentially non-jurisdictional. Based on the site visit conducted on January 21, 2011, photos and information submitted by the applicant these ditches have been constructed in uplands and drain only uplands and therefore, are non-jurisdictional.

### SECTION III: CWA ANALYSIS

- A. TNWs AND WETLANDS ADJACENT TO TNWs: NOT APPLICABLE
- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS: NOT APPLICABLE
- C. SIGNIFICANT NEXUS DETERMINATION: NOT APPLICABLE
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE: NOT APPLICABLE
- E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>4</sup>

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: N/A.
- Other factors. Explain: N/A.

Identify water body and summarize rationale supporting determination: N/A

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: N/A linear feet N/A width (ft).
- Other non-wetland waters: N/A acres.

Identify type(s) of waters: N/A.

- Wetlands: N/A acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS:

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
- Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Other: (explain, if not covered above): Ditches excavated in uplands and managing water from only uplands. These upland features do not connect wetlands or any other water of the U.S. to the Great Salt Lake, a TNW. These ditches only drain upland ares and road runoff to the Great Salt Lake.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): N/A linear feet N/A width (ft).
- Lakes/ponds: N/A acres.
- Other non-wetland waters: N/A acres. List type of aquatic resource: N/A.
- Wetlands: N/A acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): N/A linear feet N/A width (ft).
- Lakes/ponds: N/A acres.

<sup>4</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- Other non-wetland waters: N/A acres. List type of aquatic resource: N/A.
- Wetlands: N/A acres.

#### **SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: January 18, 2011 Jurisdictional Approval Letter Request.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: N/A.
- Corps navigable waters' study: N/A.
- U.S. Geological Survey Hydrologic Atlas: N/A.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: alt Lake City North 7.5 Minute Series 1998
- USDA Natural Resources Conservation Service Soil Survey. Citation: N/A.
- National wetlands inventory map(s). Cite name: SFWS ORM Database mapping.
- State/Local wetland inventory map(s): N/A
- FEMA/FIRM maps: FM 49011C0506E.
- 100-year Floodplain Elevation is: N/A (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): January 18, 2011 Jurisdictional Approval Letter Reques  
or  Other (Name & Date): January 18, 2011 Jurisdictional Approval Letter Reques.
- Previous determination(s). File no. and date of response letter: N/A.
- Applicable/supporting case law: N/A.
- Applicable/supporting scientific literature: N/A.
- Other information (please specify): N/A.

**B. ADDITIONAL COMMENTS TO SUPPORT JD: The upland ditches in question lack the basic characteristics of regulated conveyances. The ditches drain only uplands. None of the ditches appear to experience regular flows and lack defined bed and bank characteristics and OHWM.**