



**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): [August 5, 2020](#).

ORM Number: [SPK-2015-00587](#).

Associated JDs: [SPK-2015-00587 Verified November 9, 2015](#).

Review Area Location¹: State/Territory: [Utah](#). City: [Salt Lake City](#). County/Parish/Borough: [Salt Lake County](#).

Center Coordinates of Review Area: Latitude [40.8067](#). Longitude [-111.9310](#).

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](#).
- 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).

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.



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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. acres	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. acres	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. acres	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. acres	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. acres	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
SPK-2015-00587-Wetland A	5.7 acres	(b)(1) Non-adjacent wetland	Wetland A is separated approximately 100 feet from the Jordan River by a paved road and a flood-control levee. The levee is approximately 8 feet higher than the wetland area. The west side of the

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.

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
				levee drops directly into the Jordan River with no wetland fringe. There are no culverts or other conveyance measures that connect this wetland to the Jordan River. This wetland is a remote isolated wetland since there is no hydrologic surface connection between the wetland and a paragraph (a) (l) through (3). A remote isolated wetland meets the (b)(1) exclusion.
SPK-2015-00587-Wetland B	7.5	acres	(b)(1) Non-adjacent wetland	<p>Wetland B is separated approximately 70 feet from the Oil Drain Canal by a perimeter berm, perimeter elevated road, and 4 foot high canal berm. The canal transitions directly from upland roadway to open water with no wetland fringe. There are no culverts or other conveyance measures that connects this wetland to the Oil Drain Canal. This wetland is a remote isolated wetland since there is no hydrologic surface connection between the wetland and a paragraph (a)(l) through (3). A remote isolated wetland meets the (b)(1) exclusion.</p> <p>Exclusion (b)(10) Stormwater control features was evaluated as the Oil Drain Canal conveys storm water effluent to the Great Salt Lake. However, this wetland is not connected to the Oil Drain Canal. Therefore, exclusion (b)(10) would not apply for this site.</p>
SPK-2015-00587-Wetland C	3.7	acres	(b)(1) Non-adjacent wetland	Wetland C is separated approximately 500 feet from the Jordan River by a paved road and a flood-control levee. The levee is approximately 8 feet higher than the wetland area. The west side of the levee drops directly into the Jordan River with no wetland fringe. There are no culverts or other conveyance measures that connect this wetland



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				to the Jordan River. This wetland is a remote isolated wetland since there is no hydrologic surface connection between the wetland and a paragraph (a)(l) through (3). A remote isolated wetland meets the (b)(1) exclusion.
SPK-2015-00587- Wetland D	3.6	acres	(b)(1) Non-adjacent wetland	Wetland D is separated approximately 700 feet from the Jordan River by a paved road and a flood-control levee. The levee is approximately 8 feet higher than the wetland area. The west side of the levee drops directly into the Jordan River with no wetland fringe. There are no culverts or other conveyance measures that connect this wetland to the Jordan River. This wetland is a remote isolated wetland since there is no hydrologic surface connection between the wetland and a paragraph (a)(l) through (3). A remote isolated wetland meets the (b)(1) exclusion.
SPK-2015-00587- Wetland E	2.0	acres	(b)(1) Non-adjacent wetland	Wetland E is located in between Wetlands A and B. Wetland E is separated from the Jordan River by a paved road and a flood-control levee. The levee is approximately 8 feet higher than the wetland area. The west side of the levee drops directly into the Jordan River with no wetland fringe. Wetland E is separated from the Oil Drain Canal by a perimeter berm, perimeter elevated road, and 4 foot high canal berm. The canal transitions directly from upland roadway to open water with no wetland fringe. There are no culverts or other conveyance measures that connect this wetland to the Jordan River or the Oil Drain Canal. This wetland is a remote isolated wetland since there is no hydrologic surface connection between the wetland and a paragraph (a)(l) through (3). A



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				<p>remote isolated wetland meets the (b)(1) exclusion.</p> <p>Exclusion (b)(10) Stormwater control features was evaluated as the Oil Drain Canal conveys storm water effluent to the Great Salt Lake. However, this wetland is not connected to the Oil Drain Canal. Therefore, this exclusion would not apply for this site.</p>

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: [Marathon Remote Tank Farm, Addendum to 2015 Aquatic Resources Delineation and Jurisdictional Determination Request, January 29, 2020 submitted by Bio-West.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: .

Photographs: [Aerial and Other.](#) Aerials and photos included in a site visit report dated January 29, 2020. The site inspection was performed by the consultant on November 8, 2019.

Corps site visit(s) conducted on: .

Previous Jurisdictional Determinations (AJDs or PJDs): [SPK-2015-00587.](#) In 2015 a request for an approved jurisdictional determination for this site was submitted for 22.1 acres of wetlands within an 81.7 acre site. The original delineation included 4 wetland areas, including wetlands A, B, C, and D. The delineation was verified by the Corps on November 9, 2015. Wetlands A and B were determined to be not connected with the nearest relatively permanent waterway and Wetlands C and D were determined to be intrastate isolated aquatic resources with no apparent interstate or foreign commerce connection.

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Soil Map - Salt Lake Area, Utah, date May 20, 2015](#) (submitted as part of the [Aquatic Resources Report](#) in the original AJD determination request).

USFWS NWI maps: .

USGS topographic maps: [Marathon, Remote Tank Farm, date January 22, 2020.](#) 1:24,000 Topographic Base.

Other data sources used to aid in this determination:



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

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was used to determine the typical year assessment for this site based on the inspection date of November 8, 2019. The APT indicates that the rainfall conditions were drier than normal at the time of the site inspection.

C. Additional comments to support AJD: The site was re-inspected on November 8, 2019 to verify the wetland boundaries and document existing conditions (vegetation, soils, and hydrology) compared to the 2015 aquatic resources investigation. A request to verify the findings of the re-inspection was submitted to the Corps on February, 2020. In general, site conditions observed in 2019 were similar to those observed in 2015. The wetland boundaries varied slightly from the 2015 delineation, primarily due to road improvements, and staging areas constructed within the project area since the November 2015 determination letter was issued. Portions of Wetland B and Wetland D have become separated and are now intersected by access roads. Wetland A has reduced in size since the 2015 delineation, the western edge having been invaded by weedy upland grasses. The results of the sample points conducted within Wetland A indicate that the wetland may be on a drying trend. In addition, the request includes a new delineated area, identified as Wetland E comprised of 2.0 acres of palustrine emergent wetlands. This wetland area was not observed in 2015. Wetland E is located approximately 1,000 feet northeast of the Jordan River and 1,000 feet west of the Oil Drain Canal. Hydrology for Wetland E is contained within the site through berms and an elevated road. Upon further review of the information and evaluation of the site under the NWPR, the Corps made the determination that all 5 wetlands on-site are not waters of the United States pursuant to 33 CFR §328.3(a) and are therefore excluded by 33 CFR 33 CFR §328.3(b)(1).