



**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-2020-00144](#).

Associated JDs: [N/A](#).

Review Area Location<sup>1</sup>: State/Territory: [Utah](#). City: [Salt Lake City](#). County/Parish/Borough: [Salt Lake County](#).

Center Coordinates of Review Area: Latitude [40.789466°](#). Longitude [-111.902726](#).

**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).

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<sup>1</sup> 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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SPK-2020-00144 – Wetland	0.13 acres	(b)(1) Non-adjacent wetland	The wetland area is located in what was once a low drainage swale, directly adjacent to and bordered on the north and west by parking areas, a gravel pathway and sidewalk on the south side, and a manicured lawn area on the east.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				<p>The wetland is not abutting an (a)(1), (a)(2), or (a)(3) water as the Jordan River, the closest RPW, is located approximately 1.75 miles west of the wetland area. There are no natural barriers (i.e. debris piles or boulder fields) or artificial barriers (i.e. dike or berm) between wetland and the adjacent upland areas. Based on information in the AR report, the wetland is supported by a high groundwater table as there was no evidence of a surface-water connection draining to an inlet pipe. This wetland is a remote isolated wetland since there is no hydrologic surface connection between the wetland and a paragraph (a)(1) through (3). A remote isolated wetland meets the (b)(1) exclusion.</p> <p>Two grated stormwater drop inlets were documented in the AR report located south of the southern (down gradient) edge of the wetland. The inlets are approximately 1.5 to 2 feet higher than the wetland elevation. Exclusion (b)(10) for Stormwater control features was evaluated as surface water conveyed within the palustrine emergent wetland could potentially drain into the stormwater inlets and ultimately discharge into an (a)(1), (a)(2) or (a)(3) water. However, this exclusion would not apply since the water connection between the wetland and the (a)(1), (a)(2) or (a)(3) water would not be a direct hydrologic surface connection as required by (c)(1)(iv).</p> <p>According to the USGS topographic map of the survey area vicinity, a railroad line used to run directly adjacent to the eastern edge of the</p>



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				wetland area. It is possible that the wetland could be a remnant drainage feature that captured stormwater discharged from the railroad grade, or perhaps a segment of drainage ditch that may have been situated adjacent to the railroad grade to convey stormwater drainage. Exclusion (b)(5) for ditches and exclusion (b)(9) for water filled depressions were also evaluated. However, exclusion (b)(5) would not apply since the feature is not used to convey water and therefore does not meet the ditch definition at (c)(2). In addition, the wetland is currently not being used for drainage purposes. Even if the wetland had been previously been used for drainage, the (b)(9) exclusion would not apply to a feature that is no longer used for the original purpose for which it was constructed.

**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 Refinery Project 0.17-acre Survey Area Aquatic Resources Report Salt Lake City, Salt Lake County, Utah](#), submitted to the Corps on February 6, 2020 by Bio-West. Survey date November 8, 2019.

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 the AR report for a site inspection done on November 8, 2019.

Corps site visit(s) conducted on: .

Previous Jurisdictional Determinations (AJDs or PJDs): .

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

USDA NRCS Soil Survey: [Salt Lake Area, Utah, date January 10, 2020](#).



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- USFWS NWI maps: [Marathon, Refinery Project, date January 10, 2020.](#)
- USGS topographic maps: [Marathon, Refinery Project, date January 13, 2020. 1:9,000 Topographic Base.](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Issues</a>	<a href="#">N/A.</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:** Three sample points were performed revealing one wetland within the survey area. The wetland was classified as a palustrine emergent wetland and comprised roughly 0.13 acres of the 0.17-acre survey area. Based on the information in the AR report, soils within the delineated wetland appeared to be disturbed and did not meet the requirements as hydric soil indicators. Past disturbances could have altered the native soil material within the survey area or fill material could have been discharged into the survey area from adjacent construction. The mixing of soils in the survey area from past disturbance may have caused the wetland soils to appear as if they were non-hydric soils when surveyed. However, the wetland sample points did meet the requirements for hydrophytic vegetation and hydrology, providing strong evidence that the wetland soils have been altered. Wetland soil textures were silt, clay, loam, sand, and combinations thereof. Soil at sample point 1 was organic with root and plant material mixed with gravel, whereas sample point 2 was mixed and contained silt, clay, loam, sand, and gravel. The wetland area is located in what was once a low drainage swale. The wetland was dominated by common reed (*Phragmites australis*), with lesser amounts of coastal salt grass (*Distichlis spicata*), and Kentucky bluegrass (*Poa pratensis*). The area appeared to be actively mowed and treated with herbicide to control the common reed, which is listed as a noxious weed in Utah. Primary and secondary indicators of wetland hydrology provided evidence for wetlands within the survey area. Primary wetland hydrology indicators observed at the wetland sample points included one or more of the following: high water table, saturation, and drift deposits.