



**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): [November 10, 2020](#).

ORM Number: [SPK-2020-00711](#).

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

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

Center Coordinates of Review Area: Latitude [37.49317](#) . Longitude [-113.633668](#) .

**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).

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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
Stream 1 (Magotsu Creek).	0.03 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Historic aerial imagery, ground photos, xeric vegetation within the channel, the lack of hydrophytic and facultative shrub species typical of intermittent streams in this area (e.g., willows, tamarisk, mule-fat, etc.) are absent on this stream

<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
				indicating water availability is insufficient to support these species. As such, the feature meets the criteria of a (b)(3) water as defined in paragraph (c)(3).
Stream 2	0.01	acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Historic aerial imagery, ground photos, xeric vegetation within the channel, the lack of hydrophytic and facultative shrub species typical of intermittent streams in this area (e.g., willows, tamarisk, mule-fat, etc.) are absent on this stream indicating water availability is insufficient to support these species. As such, the feature meets the criteria of a (b)(3) water as defined in paragraph (c)(3).

**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: [Aquatic Resource Delineation Report for The Church of Jesus Christ of Latter-Day Saints, dated July 7, 2020, prepared by Transcon Environmental.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: [N/A.](#)

Photographs: [Aerial and Other. 1.\) Aerial imagery: Google Earth imagery \(June 25, 1999; September 24, 2006; August 27, 2009\). Enterprise, Utah. Latitude 37.49317° N, Longitude -113.633668° W, eye alt. 6305 feet. Retrieved November 9, 2020 from <http://www.earth.google.com>. 2.\) Ground photos: Aquatic Resource Delineation Report dated November 2, 2020.](#)

Corps site visit(s) conducted on: [N/A.](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A.](#)

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

USDA NRCS Soil Survey: [Aquatic Resource Delineation Report dated July 7, 2020](#)

USFWS NWI maps: [Aquatic Resource Delineation Report dated July 7, 2020](#)

USGS topographic maps: [USGS. \(1956\). Topographic Map Washington County, Utah. 1:18,056 scale. 1962. Central West, UT, USA: U.S. Dept. of the Interior. Retrieved from <https://ngmdb.usgs.gov/topoview/viewer/#15/37.4934/-113.6357>.](#)



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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS. (1956). Topographic Map Washington, Utah. 1:18,056 scale. 1962. Central West, UT, USA: U.S. Dept. of the Interior. Retrieved from <a href="https://ngmdb.usgs.gov/topoview/viewer/#15/37.4934/-113.6357">https://ngmdb.usgs.gov/topoview/viewer/#15/37.4934/-113.6357</a> .
USDA Sources	N/A.
NOAA Sources	N/A.
CorpsMap ORM Map Layers	N/A.
State/Local/Tribal Sources	N/A.
Other information (specify)	N/A.

**B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was used to give context to this site based on the inspection date of August 27, 2020. The Drought Index (PDSA) indicates a moderate drought was ongoing at the time of inspection date and August is within the dry season. The three-month antecedent precipitation normality leading up to August 27, 2020 were dry. Looking at historic imagery via GoogleEarth shows dry conditions in June, September, and August.

**C. Additional comments to support AJD:** Both Magotsu Creek and Stream 2 are ephemeral. Both channels are sparsely vegetated with xeric shrubs rather than the wetter species such as willow, mulefat and tamerisk that we would expect to see in association with intermittent streams in this area. A desktop review was conducted using recent and historic aerial photography, U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Mapper (USFWS 2020), and Natural Resources Conservation Service (NRCS) soil maps (NRCS 2020) as well as a field assessment on August 27, 2020 to identify potentially jurisdictional WOTUS (Waters of the United States) and no hydrologic indicators, hydric soil, or hydrophytic vegetation were found. The single field observation provided by the Proponent occurred during the dry season, during moderate drought and in general at a time when we would not expect an intermittent stream to be flowing in this region. The available aerial imagery depicted the area during the dry season again when we would not expect an intermittent stream to flow and as a result was not helpful in determining if these streams are intermittent or ephemeral. There is no aerial imagery available in the wet season.