



**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): [December 4, 2020](#).

ORM Number: [SPK-2020-00594](#).

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

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

Center Coordinates of Review Area: Latitude [40.715661](#). Longitude [-112.075649](#).

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.



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

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
Wetland Area A	0.222 acres	(b)(1) Non-adjacent wetland.	Located in the center of the Project Area. It has been artificially created by ponding water from an artesian well. The well water is piped into a bathtub that has been repurposed as a livestock trough. The feature is surrounded by uplands and

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.



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

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				shows no signs of drainage. This wetland meets the definition of paragraph (c)(16); however, it does not abut, nor is it inundated by flooding from, an (a)(1) – (a)(3) water in a typical year, nor is it physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between the wetland and a the Riter Canal, the nearest paragraph (a)(1) – (a)(3) water.
Wetland Area B	0.013	Acres	(b)(1) Non-adjacent wetland.	Located on the northern portion of the Project Area. It has been artificially created in an excavated depression that is ponded by water leaking from an artesian well, which was the source of water for a recently demolished farmhouse. The artesian well is the only source of hydrology for Wetland Area B. The feature is surrounded by uplands and shows no signs of drainage. This wetland meets the definition of paragraph (c)(16); however, it does not abut, nor is it inundated by flooding from, an (a)(1) – (a)(3) water in a typical year, nor is it physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between the wetland and a the Riter Canal, the nearest paragraph (a)(1) – (a)(3) water.
Wetland Area C	0.041	Acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Located on the northeastern corner of the Project Area in a drainage swale constructed for the adjacent road. This wetland is also near a detention pond located on the eastside of the Project Area boundary. The source of hydrology is stormwater runoff and leakage for the detention pond. This wetland meets the definition of paragraph



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

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				(c)(16); however, the Wetland Area C is located in a drainage swale that was constructed wholly in uplands and controls features that convey, treat, infiltrate, or store stormwater runoff. The swale does not utilize otherwise jurisdictional waters as part of the overall system. Therefore, the detention basin meets the (b)(10) exclusion
Wetland Area D	0.015	Acres	(b)(1) Non-adjacent wetland.	Located within a ditch that receives overflow water from a stock watering trough fed by an artesian well. The artesian well was installed sometime between 1977 and 1997. The ditch is excluded pursuant to (b)(5), see Wet Ditch 1. This wetland meets the definition of paragraph (c)(16); however, it does not abut, nor is it inundated by flooding from, an (a)(1) – (a)(3) water in a typical year, nor is it physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between the wetland and a the Riter Canal, the nearest paragraph (a)(1) – (a)(3) water.
Wet Ditch 1	190	Linear Feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	A review of historical aerial photographs revealed the ditch was constructed sometime between 1977 and 1997. The ditch did not relocate a tributary or was constructed in a tributary or constructed in adjacent wetlands. Therefore, since the ditch is not a tributary under (a)(2), exclusion (b)(5) applies.



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

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 Resources and Wetlands Delineation Technical report for DLM 7600 West Property prepared by Frontier Corporation on July 2020.](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A](#).

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

Photographs: [Aerial: GoogleEarth 7.3.3.7692. \(July 15, 1997, May 3, 2002, July 13, 2003, August 24, 2004, July 3, 2005, July 31, 2006, December 31, 2005, April 27, 2007, June 22, 2009, June 17, 2010, September 14, 2011, June 4, 2013, July 15, 2016, June 15, 2017, September 10, 2018, July 18, 2019, May 31, 2020. Salt Lake County, Utah. 40.725860° latitude, -112.074009° longitude, eye alt 4683 ft. Retrieved December 4, 2020, from http://www.earth.google.com Historic Aerials by NETRonline. Topo Maps. T1943, T1950, T1959, T1965, T1971, T1977. Retrieved December 7, 2020 from https://www.historicaerials.com/viewer.](#)

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: [N/A](#).

USFWS NWI maps: [N/A](#).

USGS topographic maps: [N/A](#).

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 .
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 give context to this site based on the inspection date of: June 17, 2020 (consultant’s site inspection). The APT indicates during the site inspection the project area was experiencing normal conditions and the drought index PDSI was indicating a moderate drought. Google Earth aerial photography, including records from typically wet periods (December 31, 2005 and April 27, 2007) did not reveal the presence of surface water. Therefore, based on the information documented in these aerial photographs and the APT, the site conditions are reflective of a typical year.

C. Additional comments to support AJD: The project area is separated from the Riter Canal by an earthen berm; therefore, the canal does not flood the project area in a typical year. Abandoned irrigation ditches



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

were documented on-site during the inspection performed by Frontier Corporation. The ditches have been abandoned, have no OHWM indicators, and are overgrown with upland plant communities. The abandoned ditches do not meet the ditch definition at (c)(2) because they are not used to convey water. A review of topographic maps and historic aerials confirmed no sign of past water flows between the abandoned ditches and the Riter Canal or current surface water flows between Wetlands Areas A, B, C, D, and Wet Ditch 1 and the Riter Canal. Therefore, there is no potential flow path or hydrologic connectivity to the Great Salt Lake.