



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): February 16, 2021

ORM Number: SPK-2021-00076

Associated JDs: N/A

Review Area Location¹:

State/Territory: UT City: Marriott-Slaterville County/Parish/Borough: Weber County

Center Coordinates of Review Area: Latitude 41.272168 Longitude -112.023522

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).

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	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	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Four Mile Creek	1328 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Four Mile Creek is a perennial stream channel that runs from east to west through the Project Area and crosses under I-15 at the western Project Area boundary. Fourmile Creek continues off-site to the west of I-15 and connects to the Weber River, which is a major tributary to the Great Salt Lake.

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	N/A	N/A

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

² If the navigable water is not subject to the ebb and flow of the tide and 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 independent 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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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	0.088 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A is located on the west side of the Project Area abutting the Fourmile Creek stream channel. Wetland A had saturated soils at the time of the November 24 and 25, 2020 delineation site inspections.
Wetland B	0.043 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B is also located on the west side of the Project Area abutting the Fourmile Creek stream channel.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1	682 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)	Ditch 1 is a constructed channel used to convey water for agriculture. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type
Ditch 2	415 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)	Ditch 2 is a constructed channel used to convey water for agriculture. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type
Ditch 3	1565 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)	Ditch 3 is a constructed channel used to convey water for agriculture. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type
Ditch 4	137 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)	Ditch 4 is a constructed channel used to convey water for agriculture. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type
Storm Basin 1	0.57 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	Storm Basin 1 is man-made regional stormwater detention basin located along 400 North. The detention basin is vegetated with invasive Phragmites, which is a wetland indicator species. However, wetland delineation sample point (SP-3) recorded in the basin did not fulfill the wetland delineation criteria for soils and hydrology. The presence of wetland plants in the man-made detention basin is due to the regional collection and conveyance of stormwater into the detention basin. There is no evidence that the detention basin was constructed in wetlands or that a natural tributary drains into the detention basin. Additionally, there are no wetlands between the detention basin and Fourmile Creek.

III. SUPPORTING INFORMATION

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

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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 Waters of the U.S. Delineation Technical Report prepared by Frontier Corporation in January 2021.*

This information *is* sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

___ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *Aerial: GoogleEarth 7.3.3.7692. (September 11, 2020, September 30, 1997, August 13, 1993) Weber County, Utah, 41.272168 latitude, -112.023522 longitude, eye alt 4683 ft. Retrieved February 9, 2021*

___ Corps Site visit(s) conducted on: *Date(s).*

___ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

___ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

___ USDA NRCS Soil Survey: *Title(s) and/or date(s).*

___ USFWS NWI maps: *Title(s) and/or date(s).*

___ USGS topographic maps: *Title(s) and/or date(s).*

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 Sources	N/A.

B. Typical year assessment(s): N/A.

C. Additional comments to support AJD: Ditch 1, Ditch 2, Ditch 3, and Ditch 4 are irrigation lateral ditches that are used to service the cultivated farm fields within the Project Area. None of these irrigation lateral ditches convey flows from relocated tributary channels. They were built before 1993 and the closest tributary, Four Mile Creek, is 249 feet to the South. None of these irrigation lateral ditches have OHWM indicators or evidence of wetland conditions. These man-made ditches were constructed solely for the purpose of distributing irrigation water to the farm fields in the Project Area. The ditches distribute irrigation water diverted from the Willard Canal to east of the Project Area.

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