



**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): [October 27, 2020](#).

ORM Number: [SPK-2019-00774](#).

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

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

Center Coordinates of Review Area: Latitude [40.789851](#). Longitude [-112.029004](#).

**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
Non-Wetland Playa	0.34 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This feature is topographically low areas that may temporarily hold precipitation and may intercept high ground water for short durations. There is no hydrologic surface water connection between the non-wetland playa and a paragraph

<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
			(a)(1) – (a)(3) water in a typical year.

**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: [John Cannon Drive Property Aquatic Resources and Waters of the U.S. Delineation Technical Report dated September 2019, revised September 23, 2020, prepared by Frontier Corporation USA Environmental Consultants.](#)

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. \(1997 September 30, 2002 May 3, 2009 July 14, 2003 August 18, 2004 August 24, 2005 January 17, 2005 June 3, 2006 July 31, 2007 April 27, 2009 June 22, 2010 June 17, 2011 September 14, 2013 June 4, 2015 June 16, 2016 July 8, 2017 July 17, 2018 December 30, 2019 July 18\) Salt Lake County, Utah 40.789851° latitude, -112.029004° longitude, eye alt 2,852 ft. Retrieved October 20, 2020, from <http://www.earth.google.com>.](#)

Corps site visit(s) conducted on: [September 3, 2020.](#)

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
Other USGS data (specify)	<a href="#">Runoff conditions in Utah for water year 2011. Retrived October 26, 2020 from <a href="https://pubs.er.usgs.gov/publication/fs20123041">https://pubs.er.usgs.gov/publication/fs20123041</a>.</a>
USDA Sources	<a href="#">N/A</a> .
NOAA Sources	<a href="#">N/A</a> .
USACE Sources	<a href="#">N/A</a> .
State/Local/Tribal Sources	<a href="#">N/A</a> .
Other Issues	<a href="#">N/A</a> .

**B. Typical year assessment(s):** [The Goggin Drain is located approximately 670 linear feet north of the project site. An artificial earthen berm separates the drain from the project site. The Goggin Drain has a perennial flow and contributes surface water flow to the Great Salt Lake, an \(a\)\(1\) water in a typical year.](#)



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An aerial photograph from the dry season month of September, 2011 shows the presence of surface water from the Goggin Drain within the review area. The Corps Antecedent Precipitation Calculator (APC) indicated that the site inspection was performed during the dry season (October 14, 2019) at a time that the area was experiencing moderate wetness. The ground photographs included in the AR report document evidence of no inundation of the area. The Corps site inspection (September 3, 2020) was also performed during the dry season at a time the site was experiencing extreme drought. The APC was used to evaluate the period of September 2011. The APC generated a condition value of 12, indicating the final condition at the site was normal. Data from the U.S. Geological Service indicates that 2011 was the wettest 90-day (March to May) period in history accumulating record snowpack in the mountains of central and northern Utah. Runoff was delayed due to lower than normal spring temperatures. Although the increased snowpack did not create widespread flooding, it did increase stream flows in all the creeks, channels, and drains in the area. Increased water flows could have allowed for the overflowing of the Goggin Drain. Based on the aerial review, the water did not go over the existing berm, it appeared to have entered the site along a breach on the south bank of the drain east of the study area and the water moved down gradient on both sides of the berm. Overflowing of the Goggin drain was also observed along the northern bank of the drain on the 2011 aerial. Google Earth aerial photography, including records from typically wet periods (April 27, 2007, February 14, 2017, April 20, 2018, February 22, 2020) did not reveal the presence of surface water anywhere within the review area. Therefore, the conditions documented in the September 14, 2011 aerial photograph are not reflective of conditions during a typical year.

- C. Additional comments to support AJD:** An artificial earthen berm separates the drain from the project site prevents any potential surface water connections under normal circumstances and during a typical year. The berm is 3 to 4 feet tall and there are no culverts along the berm that would allow for a connection between the site and the drain. While overflow of the Goggin Drain did occur, 2011 was not a typical year. The AR report indicates that an area of approximately 3 acre has been filled in the northeast portion of the property. However, the fill material was placed in an area that does not support waters of the U.S.