



**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): [January 14, 2021](#).

ORM Number: [SPK-2006-50167](#).

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

Review Area Location¹: State/Territory: [Utah](#). City: [Kamas](#). County/Parish/Borough: [Summit](#).

Center Coordinates of Review Area: Latitude [40.6275](#). Longitude [-111.2818](#).

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.



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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 A	2.23 acres	(b)(1) Non-adjacent wetland.	Wetland A receives water primarily from irrigation practices to the east and south and drains northwest. A man-made irrigation/ drainage ditch intercepts drainage from Wetland A just outside of the northern study area boundary. This ditch is part of

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.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				the larger irrigation system in the area and is typical of straight, shallow, man-made irrigation laterals used to convey water from canals to irrigated pastureland. This off-site ditch did not relocate a tributary, was not constructed in a tributary and was not constructed in adjacent wetlands or any other waters type. Therefore, this ditch is not a tributary under (a)(2) and exclusion (b)(1) applies to Wetland A as a non-adjacent wetland.
Wetland B	2.28	acres	(b)(1) Non-adjacent wetland.	Wetland B receives water primarily from irrigation practices to the east and south and drains northwest through a culvert under a roadway off site. A man-made irrigation/ drainage ditch intercepts drainage from Wetland B northwest of the study area boundary. This ditch is part of the larger irrigation system in the area and is typical of straight, shallow, man-made irrigation laterals used to convey water from canals to irrigated pastureland. The off-site ditch did not relocate a tributary, was not constructed in a tributary and was not constructed in adjacent wetlands or any other waters type. Therefore, this ditch is not a tributary under (a)(2) and exclusion (b)(1) applies to Wetland B as a non-adjacent wetland.

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: [Wise Earth, "Wetlands & Waters Delineation, Capital Assets Commercial Parcels FT-610 & FT-612; January 23, 2019.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

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



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Photographs: Aerial: Google Earth 7.3.3.7692.(1993, August 23; 2011, September 14; 2013, June 4; 2017, June 22). Francis, Utah. Latitude 40.6275 Longitude -111.2818, eye alt 15,307 ft. Retrieved January 14-15, 2021 from <http://www.earth.google.com>.
Historicaerials.com 1962, 1963, 1967, 1969, 1978;
Wise Earth, "Wetlands & Waters Delineation, Capital Assets Commercial Parcels FT-610 & FT-612" ground photos.

- Corps site visit(s) conducted on: N/A.
- Previous Jurisdictional Determinations (AJDs or PJDs): [SPK-2006-50167](#); July 28, 2006.
- 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): N/A.

C. Additional comments to support AJD: N/A.