



**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 6, 2021](#).

ORM Number: [SPK-2019-00563](#).

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

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

Center Coordinates of Review Area: Latitude [41.76403](#). Longitude [-112.00909](#).

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 Area A.	1.309 acres	(b)(1) Non-adjacent wetland.	Wetland A is located in the northwest section of the property and should be supported by surface water flow from a ditch recently constructed as part of a Nationwide Permit (NWP) 32 resolution to retain unauthorized

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
				fill at this site. However, recent data indicates that there is no hydrologic surface connection with the new ditch – see New Constructed Ditch. Wetland A drains west into a 36-inch-diameter culvert connected to a concrete-lined, roadside stormwater ditch (part of a regional stormwater collection system) that connects to the Little Goggin Drain. 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 direct surface hydrologic connection between this wetland and an (a)(1) – (a)(3) water.
New Constructed Ditch	370	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).	The ditch is located towards the center of the property and was constructed to avoid indirect impacts to Wetland Area A as a result of the retention of fill associated with an NWP 32 verification for the site. The ditch was constructed to ensure hydrologic connectivity within the property. The new ditch did not relocate a tributary, was not constructed in a tributary or constructed in wetlands. Therefore, since the ditch is not a tributary under (a)(2), exclusion (b)(5) applies.

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.



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Information submitted by, or on behalf of, the applicant/consultant: [Meikle Property, Approximately 28.68 Acres, Aquatic Resources and Wetland Delineation Technical Report prepared by Frontier Corporation USA dated October 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. \(14 August 1994, 30 September 1997, 3 May 2002, 14 July 2003, 18 August 2003, 24 August 2004, 17 January 2005, 3 July 2005, 31 December 2005, 31 July 2006, 12 July 2006, 27 April 2007, 22 June 2009, 17 June 2010, 14 September 2011, 4 June 2014, 16 June 2015, 30 May 2016, 18 June 2016, 8 July 2016, 31 July 2016, 1 August 2016, 25 September 2016, 1 November 2016, 7 November 2016, 13 November 2016, 14 February 2017, 15 June 2017, 17 June 2017, 8 July 2017, 26 August 2017, 30 December 2017, 4 January 2018, 20 April 2018, 24 July 2018, 10 September 2018, 18 July 2019, 22 February 2020, 31 May 2020\), eye alt 3359. Retrieved January 5, 2021.](#)

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): [N/A.](#)

C. Additional comments to support AJD: [The study area was the site of a violation resolved under a Nationwide Permit 32 on June 9, 2020. The placement of fill material on the property, which occurred between June of 2013 and June of 2017, resulted in the direct loss of approximately 1.41 acres of emergent marsh, saline wet meadow, and playa wetlands within the study area. The fill material bisected the remaining, unfilled aquatic resources within the study area \(i.e. Wetland Area A\), and resulted in discontinuous hydrology across the site. Per the Settlement Agreement and NWP conditions, in order to avoid indirect impacts to the Wetland Area A and maintain hydrologic connectivity, the property owner was required to construct a small ditch. The Corps determined compliance with the conditions of the NWP and Settlement Agreement and no further actions was required. A re-evaluation of the site under the current CWA Rule was submitted for Wetland Area A, which deemed the wetlands non-jurisdictional per the](#)



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Navigable Waters Protection Rule.

A portion of the Little Goggin Drain flowed from its origin northwest through the site before continuing north and west emptying into the Goggin Drain. The portion of the Little Goggin Drain within the study area was cut off in the 1970s with sections to the north filled prior to 2002 cutting the downstream connection to the Goggin Drain. Information in the AR report indicates the presence of an upland gap showing no continuous surface connection or culvert connection between the two abandoned segments of the drain. An abandoned raised irrigation ditch was also documented extending from east to west. The segments of the drain and abandoned irrigation ditch within the study area show no indicators of water flow, wetland conditions, or ordinary high water mark indicators.