



**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 26, 2021](#).

ORM Number: [SPK-2019-00547](#).

Associated JDs: [SPK-2019-00547](#); [March 24, 2020](#).

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

Center Coordinates of Review Area: Latitude [40.6328°](#). Longitude [-111.3023°](#).

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
Ditch L Canal M	1,320 472	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Ditch L is an irrigation feature dug through uplands and natural wetland areas both on (Wetlands J and K) and off site. Perennial flow has been observed in this ditch on all available aerial images and during all seasons of the year by Corps personnel. Ditch L drains west, then north, then east into the unnamed channel that intercepts Wetlands A and C. Based on these findings, Ditch L is considered an (a)(2) tributary. Canal M is a diversion from the Weber River that was constructed through uplands and wetlands along its course through the Kamas Valley. Canal M carries perennial flow into the Provo River and into Utah Lake, a TNW. Therefore, Canal M is considered an (a)(2) tributary.

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):				

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.



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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A Wetland C	0.05 0.11 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	These wetlands are located in a roadside drainage swale that extends off site to the west and drains directly into an unnamed tributary. Perennial flow has been observed in this tributary on all available aerial images and during all seasons of the year by Corps personnel. This tributary collects ground water and irrigation runoff and exhibits some characteristics of a natural channel as it flows north under SR-248. The drainage continues north into Beaver Creek and the Weber River, then Rockport Reservoir, the nearest TNW. Therefore, (a)(4) applies to Wetlands A and C.
Wetland J Wetland K	1.56 0.88 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	These features directly abut Ditch L on site, which flows from east to west in the lower half of the study area. Ditch L is an irrigation feature, dug through uplands and natural wetland areas both on (Wetlands J and K) and off site. Perennial flow has been observed in this ditch on all available aerial images and during all seasons of the year by Corps personnel. Ditch L drains west, then north, then east into the unnamed channel that intercepts Wetlands A and C. Based on these findings, Ditch L is considered an (a)(2) tributary. Therefore, (a)(4) applies to Wetlands J and K.
Wetland B Wetland D Wetland H	0.03 0.34 1.51 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetlands B and D are separated from Wetlands A and C by culverts under 200 South. Wetland H continues off site to the northwest and flows through a culvert under 200 South into the unnamed tributary that drains Wetlands A and C. Based on these findings, (a)(4) applies to Wetlands B, D, and H.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland E Wetland F Wetland G Wetland I	0.3 0.14 0.14 0.4	acres	(b)(1) Non-adjacent wetland.	These features are located in shallow depressions that retain irrigation and ground water. Wetlands E and I do not connect to other wetlands or ditch features on or off site and were determined to be isolated under the previous Rapanos guidance on March 24, 2020. Wetlands F and G are connected to each other by Ditch Q, but do not connect to any other wetland or ditch features on or off site. Therefore, exclusion (b)(1) applies to Wetlands E, F, G, and I.
Ditch N Ditch O Ditch P Ditch Q	343 735 1,073 305	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).	These features are ephemeral ditches constructed in uplands for irrigation purposes. These ditches are part of the larger irrigation system in the area and are typical of channelized, shallow, man-made irrigation features used to convey water from canals to irrigated pastureland or collect irrigation tailwater. These features did not relocate a tributary, were not constructed in a tributary and were not constructed in adjacent wetlands or any other waters type. Therefore, none of these ditches are considered a tributary under (a)(2) and exclusion (b)(5) applies.

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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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, Hallam Road Extension Project, Parcels CD-577-X, CD-589-A and a Portion of CD-618"; October 8, 2019.](#)

This information is sufficient for purposes of this AJD.
Rationale: [N/A.](#)

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

Photographs: [Aerial and Other. Google Earth 7.3.3.7692.\(1993, August 23; 2011, September 14; 2013, June 4; 2017, June 22\). Francis, Utah. Latitude 40.6328 Longitude -111.3023, eye alt 15,307 ft. Retrieved January 26-27, 2021 from http://www.earth.google.com. Historicaerials.com 1962, 1963, 1967, 1969, 1978; Wise Earth, "Wetlands & Waters Delineation, Hallam Road Extension Project, Parcels CD-577-X, CD-589-A and a Portion of CD-618" ground photos.](#)

Corps site visit(s) conducted on: [August 30, 2019.](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [SPK-2019-00547; March 24, 2020.](#)

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.](#)