



**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-2020-00921](#).

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

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

Center Coordinates of Review Area: Latitude [37.595156](#). Longitude [-112.915172](#).

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
W-1.	0.017 acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of paragraph (c)(16); however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since it is not abutting a water identified in paragraph (a)(1), (2), or (3).

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
W-2	0.096	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of paragraph (c)(16); however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since it is not abutting a water identified in paragraph (a)(1), (2), or (3).
W-3	0.005	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of paragraph (c)(16); however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since it is not abutting a water identified in paragraph (a)(1), (2), or (3).
W-4	0.393	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of paragraph (c)(16); however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since it is not abutting a water identified in paragraph (a)(1), (2), or (3).
W-5	0.355	acres	(b)(1) Non-adjacent wetland.	This wetland meets the definition of paragraph (c)(16); however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since it is not abutting a water identified in paragraph (a)(1), (2), or (3).
C-1	0.009	acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Unnamed perennial stream that is not a tributary within the meaning of 33 CFR 328.3(c)(12) since it does not contribute surface water flow to a water identified in paragraph (a)(1) either directly or through one or more waters identified in paragraph (a)(2), (3), or (4) of 33 CFR §328.3. It is a tributary to Crow Creek.
C-2	0.175	acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Crow Creek, a perennial stream, is not a tributary within the meaning of 33 CFR 328.3(c)(12) since it does not contribute surface water flow to a water identified in paragraph (a)(1) either directly or through one or more waters identified in paragraph (a)(2), (3), or (4) of 33



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				CFR §328.3.
C-3	0.017	acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	This unnamed perennial stream is not a tributary within the meaning of 33 CFR 328.3(c)(12) since it does not contribute surface water flow to a water identified in paragraph (a)(1) either directly or through one or more waters identified in paragraph (a)(2), (3), or (4) of 33 CFR §328.3. It is a tributary to Crow Creek.
C-4	0.012	acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	This intermittent stream is not a tributary within the meaning of 33 CFR 328.3(c)(12) since it does not contribute surface water flow to a water identified in paragraph (a)(1) either directly or through one or more waters identified in paragraph (a)(2), (3), or (4) of 33 CFR §328.3. This is a tributary to Crow Creek and had no water in it at the time of delineation.

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: [Aquatic Resources Delineation SR-14 Passing Lane, prepared by Wetland Resources, September 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: .

Photographs: [Aerial and Other. Aquatic Resources Delineation SR-14 Passing Lane, prepared by Wetland Resources, Appendix A: Maps, Appendix B: Photos, September 2020. GoogleEarth 7.3.3.7692. \(May, 24, 2006\). Iron County, Utah. 37.595156° latitude, -112.915172° longitude, eye alt 28530 ft. Retrieved December 09, 2020, from http://www.earth.google.com.](#)

Corps site visit(s) conducted on: .

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)



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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: .
- USFWS NWI maps: .
- USGS topographic maps: [USGS. \(2018\). Topographic Maps Iron County, Utah. 1:144,448 scale. 2018. Reston, VA, USA: U.S. Dept. of the Interior. Retrieved from <https://ngmdb.usgs.gov/topoview/viewer/#12/37.6560/-113.0332>.](#)

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): The Corps Antecedent Precipitation Calculator indicated that at the time the field data was collected (September 24, 2020) the area was experiencing a severe drought in the dry season. The observed wetness conditions during the three months leading up to the survey date were: normal, dry and dry.

C. Additional comments to support AJD: Based on the new Navigable Waters Protection Rule, all features including streams (Crow Creek, a tributary to Coal Creek) and potential wetlands identified in the Aquatic Resources Delineation are considered non-jurisdictional because they all connect downstream to Coal Creek. Coal Creek, a perennial stream, and its tributaries are non-jurisdictional waters because there is no known (a)(1) or (a)(2) jurisdictional water or TNW downstream where surface water connection is maintained. Based on reviews of a topographic map of the area and Google Earth imagery, Coal Creek is diverted into multiple irrigation ditches near Cedar City, and the natural channel dissipates. Coal Creek is historically connected with Quichapa Lake and both the lake and creek do not have interstate or foreign commerce. Quichapa Lake is a seasonal, terminal waterbody which is typically inundated between winter and late summer. Lake dimensions are approximately 4.3 miles long and 1.2 miles wide with a maximum depth of approximately 14 feet. The lake is surrounded by private land, mainly comprised of agricultural uses with a few public access points. There are no associated fees with the access points and no information could be found concerning outfitters using the area for recreation, including hunting and fishing. An ArcGIS story map has been created to show the flow paths from Coal Creek and other drainages to Quichapa Lake.