



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): April 6, 2021

ORM Number: SPK-2021-00127

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: UT City: Syracuse County/Parish/Borough: Davis County

Center Coordinates of Review Area: Latitude 41.063807 Longitude -112.073733

**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: The study area encompasses approximately 60 acres. The wetland delineation report for the Woodside Homes Green Property indicates a complete lack of aquatic resources within the study area. The study area has been subject to annual flood irrigation and was historically used for commercial hay and/or grain production since 1980. Agricultural use of the property has since ceased, and the property was recently acquired for residential use.

The Natural Resource Conservation Service's Soil Map indicates that the study area consists of Warm Springs soils which are listed as highly alkaline hydric soils. In addition, 3 of 13 sample points revealed the presence of hydrophytic vegetation including baltic rush-FACW (*Juncus balticus*), spike-rush-OBL (*Eleocharis palustris*) and spreading bent-FACW (*Agrostis stolonifera*). None of the sampling sites were dominated by hydrophytic vegetation. The most common species documented on-site was tall fescue-FACU (*Schedonorus arundinaceus*), which was observed at each of the 13 sampling sites; it was also dominant at 10 of the sites.

The consultant excavated pits between 30 and 36 inches deep. No hydrology indicators were documented at any of the sampling points. A review of aerial imagery confirmed no hydrologic signatures within the study area. See Antecedent Precipitation Tool (APT) discussion in Section III.B.

The aquatic resources report indicates the site supports a gentle slope of 0-1% towards the southwest depressions where irrigation water could collect. The National Wetlands Inventory (NWI) suggests that a system of wetlands exist in these areas. Field verification by the consultant confirmed the site lacks hydrology and soil indicators in the depression areas and within the rest of the study area.

This office verified a Preliminary Jurisdictional Determination (PJD) SPK-2018-00718 on March

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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<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 independent 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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18, 2019 and SPK-2018-00796 on August 16, 2019 at the properties immediately to the west and north of the subject site. The NRCS Soil Map indicates that the soils in the general vicinity of the study area are consistent. Several site visits for the PJD review resulted in the identification of no aquatic resources at the neighboring property to the west. Aquatic resources were documented on the properties to the north (all three wetland indicators were documented in sections of these properties). The study area was also assessed as part of the West Davis Corridor Project (SPK-2008-01985). No aquatic resources were documented within the boundaries of the study area as part of that review.

Although the subject site includes areas that support hydrophytic vegetation and soils that are listed as highly alkaline hydric soils, the site lacks hydrology indicators. Topographic maps indicate that the only source of hydrology are the now defunct irrigation ditches. Due to the lack of hydrology indicators within the study area and the review of historic aerial imagery, the best available data supports that the entire 60-acre study area is comprised of dry land.

- 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).

**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	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	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	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	N/A	N/A

**Adjacent wetlands ((a)(4) waters):**

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination

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N/A	N/A	N/A	N/A
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**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
N/A	N/A	N/A	N/A

**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 Report Woodside Homes Green Property dated February 9, 2020 prepared by Kagel Environmental, LLC.

This information *is* sufficient for purposes of this AJD.

\_\_\_ Data sheets prepared by the Corps: *N/A*

Photographs: *Aerials*, GoogleEarth 7.3.3.7692. (July 15, 1997, December 30, 2002, June 12, 2003, August 18, 2003, August 24, 2004, December 31, 2005, July 12, 2006, June 22, 2009, June 17, 2010, September 14, 2011, June 4, 2013, June 16, 2015, July 8, 2016, June 17, 2017, September 10, 2018, July 18, 2019, May 31, 2020). Davis, Utah. 40.063807° latitude, -112.073733° longitude, eye alt 3281 ft. Retrieved April 6, 2021, from <http://www.earth.google.com>;

Historic Aerials by NETRonline. Aerials. 1958, 1965, 1966, 1971, 1980, 1997, 2004, 2006, 2009, 2011, 2014, and 2016. Retrieved April 6, 2021 from <https://www.historicaerials.com/viewer>

\_\_\_ Corps Site visit(s) conducted on: *N/A*

Previous Jurisdictional Determinations (AJDs or PJDs): PJD SPK-2018-00718 verified on March 18, 2019 and PJD SPK-2018-00796 verified on August 16, 2019.

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

\_\_\_ USDA NRCS Soil Survey: USDA – Web Soil Survey National Cooperative Soil Survey. Davis-Weber, Utah. Retrieved April 5, 2021 from <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

\_\_\_ USFWS NWI maps: *N/A*

USGS topographic Historic Aerials by NETRonline. Topographic Maps.T1956, T1974, T1991, T2001, T2014, T2017. Retrieved April 6, 2021 from <https://www.historicaerials.com/viewer>

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.

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USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The property is crossed by several ditches that provided irrigation. These ditches are now defunct as all flood irrigation has been withdrawn. The APT was used to give context to this site based on the inspection of February 9, 2020 (AR delineation site inspection). The APT indicates that during the inspection the project area was experiencing normal condition and the drought index PDSI was indicating incipient wetness.
- C. Additional comments to support AJD:** N/A

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