



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):

ORM Number: SPK-2002-50203

Associated JDs: AJD 2002-50203, approved December 12, 2019

Review Area Location¹:

State/Territory: UT City: Salem County: Utah County

Center Coordinates of Review Area: Latitude 40.073505° Longitude -111.698708°

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 or describe rationale.
- 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)²

§ 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)³

(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
N/A	N/A	N/A	N/A

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

² If the navigable water is not subject to the ebb and flow of the tide and 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 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
200250305 Wet A	0.72 acres	(b)(1) Non-adjacent wetland	Wetland A and B were verified on December 12, 2019 to be isolated non-jurisdictional wetlands. Site conditions since 2019 have not changed and no surface hydrologic connection could be made to the nearest (a)(2) water, Beer Creek. Wetland A is located approximately 7,400 feet east and Wetland D is approximately 1,150 feet east of Beer Creek. These wetlands are located in an area of minimal flooding (Zone X) which is outside of the 100year flood zone. No channels were identified near or from either wetland. Therefore, these wetlands are excluded (b)(1) Non-adjacent wetland and are non-jurisdictional.
200250305 Wet D	0.15 acres	(b)(1) Non-adjacent wetland	
200250305 Wet Ditch B	1854 feet (1.46 acres)	(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)	Wetland Ditch B and Ditch C are part of the same ditch and were constructed sometime prior to 1947, which is the earliest aerial photograph for the area. The ditch is fed by a subsurface tile drainage located north of the ditch origination point at the center of the site. This ditch generally flows west and empties into an (a)(2) water, Beer Creek. No portion of the ditch is located with the 100-year floodplain and was clearly constructed within dryland. This is evident from the multiple aerial photographs and topography maps analyzed between 1947 and 2020. No wetlands were identified directly adjacent to the ditch. Therefore, this ditch is an excluded (b)(5) water and non-jurisdictional.
202050305 Ditch C	3195 feet (1.4 acres)	(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)	

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: Arrowhead Springs, Wetlands & Waters Delineation, dated May 2019, prepared by Wise Earth Concepts Inc. 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. (1993 September 9, 1997 September 11, 2003 July 31, 2004 August 24, 2006 July 31, 2009 June 22, 2011 September 14, 2015 June 16, 2016 December 30, 2018 September 10, 2020 June 1). Springville, Utah. 40.073505 ° latitude, -111.698708° longitude, eye alt 7643 ft. Retrieved March 2, 2021, from <http://www.earth.google.com>; Historic Aerials by NETRonline. Aerials. 1947, 1958, 1965, 1969, 1972, 1980, 1981, 1983, 1993, 1997, 2004, 2006, 2009, 2011, 2014, and 2016. Retrieved March 2, 2021 from <https://www.historicaerials.com/viewer>

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- Corps Site visit(s) conducted on:
- Previous Jurisdictional Determinations (AJDs or PJDs): SPK-2002-50203, verified December 12, 2019. Determined Wetland A and B were isolated non jurisdictional waters, and Wetland Ditch B and Ditch C were jurisdictional.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey:
- USFWS NWI maps:
- USGS topographic maps: Historic Aerials by NETRonline. Aerials.T1950, T1956, T1959, T1971, T1978, T1994, T2002, T2014. Retrieved March 2, 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.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	FEMA Map 49049C0755F. Effective 2019 June 6. Retrieved March 2, 2021, from https://msc.fema.gov/portal/search?AddressQuery=salem%20utah#searchresultsanchor

- B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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