



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): March 11, 2021

ORM Number: SPK-2017-00305

Associated JDs: July 5, 2018 AJD, SPK-2017-00305

Review Area Location¹:

State/Territory: UT City: County/Parish/Borough: Wasatch County

Center Coordinates of Review Area: Latitude 40.527002 Longitude -111.478144

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 2.77 acres. The Aquatic Resource Report indicates the presence of an abandoned, north-to-south running irrigation ditch on the west end of the study area. Aerial imagery shows that any upstream connectivity to potentially jurisdictional waters were severed with the construction of a small access road to a single-family house dating back to at least 1985. The aerial photos reviewed focused on the spring through late fall seasons with no hydrology signatures identified within the review area. A previous Approved Jurisdictional Determination was conducted in July 2018 in the parcel to the south of this study area (owned by the same property owner) and which also encompassed the abandoned irrigation ditch. This previous AJD also found the abandoned irrigation ditch to not be a jurisdictional water of the United States. With the abandoned irrigation ditch being the only potential aquatic resource within the study area, the entire 2.77-acre study area is 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)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

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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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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	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: *Pine Canyon Road Property Delineation Report of the Waters of the U.S. Including Wetlands, dated March 2017.*
This information is sufficient for purposes of this AJD.
Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*
- Data sheets prepared by the Corps: *N/A*
- Photographs: (*aerial*). Aerial Imagery: Google Earth imagery (11 September 2020; 10 September 2018; 22 June 2017; 8 July 2016; 16 June 2015). Midway, Utah. Latitude 40.527 N, Longitude -111.47814 W, eye alt. 6158 feet. Retrieved 9 March, 2021 from <http://www.earth.google.com>.
- Corps Site visit(s) conducted on: *N/A*
- Previous Jurisdictional Determinations (AJDs or PJDs): *SPK-2017-00305, dated 5 July 2018.*
This AJD's study area included the areas immediately to the south of this study area.
- Antecedent Precipitation Tool: *N/A*
- USDA NRCS Soil Survey: *N/A*
- USFWS NWI maps: *Pine Canyon Road Property Delineation Report of the Waters of the U.S. Including Wetlands, dated 27 March 2017.*
- USGS topographic maps: *N/A*

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

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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	N/A.

- B. Typical year assessment(s):** N/A.
- C. Additional comments to support AJD:** N/A.

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