



**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): [February 22, 2021](#).

ORM Number: [SPK-2019-00614](#).

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

Review Area Location<sup>1</sup>: State/Territory: [Utah](#). City: [Oakley](#). County/Parish/Borough: [Summit](#).

Center Coordinates of Review Area: Latitude [40.76799°](#). Longitude [-111.205598°](#).

**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).

---

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



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**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. acres	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. acres	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Weber River	2,164 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The Weber River is a major drainage feature with naturally perennial flows. The Weber River flows directly into Rockport Reservoir and the Great Salt Lake, both of which are (a)(1) waters, and is therefore an (a)(2) water.
Perennial Creek	566 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The perennial creek feature is actually a side channel of the Weber River system. A braid of the main channel carries flow displaced by a natural diversion roughly parallel to the main flow for approximately 1,300 feet and then rejoins the main Weber River channel in the survey site. The Weber River flows directly into Rockport Reservoir and the Great Salt Lake, both of which are (a)(1) waters. Therefore, the Perennial Creek is an (a)(2) water.
Purdue Creek	584 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Purdue Creek carries intermittent flow, supported primarily by seasonal snowpack, and drains directly into the side channel (Perennial Creek) of the Weber River. Therefore, Purdue Creek is an (a)(2) water.

<sup>2</sup> 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.

<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 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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

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
Open Water Pond	0.26	acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Th open water pond feature is the result of an impounded diversion from Purdue Creek and groundwater seepage from the adjacent topographic rise. The pond drains south and west through the ditch and offsite, where it drains into the Weber River south of the central study area boundary. Since Purdue Creek is an (a)(2) water, the Open Water Pond feature qualifies as an (a)(3) water.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	3.6	acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A continues off site to the north where it directly abuts the Weber River, an (a)(2) water.
Wetland B	5.95	acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland B directly abuts the Weber River and perennial creek, both (a)(2) waters, within the study area.
Wetland D	0.11	acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland D continues off site to the west where it directly abuts the Weber River, an (a)(2) water.
Wetland G	0.06	acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland G directly abuts the perennial creek, an (a)(2) water, within the study area.
Wetland H	0.02	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.	Wetland H is the drainage conveyance that connects Purdue Creek, an (a)(2) water, to the open water pond. The wetland is separated from the pond by a man-made crossing with a culvert to maintain a direct hydrologic connection to the pond and to the Weber River, an (a)(2) water.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>
--

<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.



**U.S. ARMY CORPS OF ENGINEERS  
 REGULATORY PROGRAM  
 APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
 NAVIGABLE WATERS PROTECTION RULE**

Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland C	1.59	acres	(b)(1) Non-adjacent wetland.	Wetland C covers a large area where groundwater seeps from the topographic rise to the northwest. Drainage direction is generally southwest and offsite, where it can be observed through aerial imagery for approximately 700 feet beyond the study area boundary. Surface water dissipates off site in an upland field and there is no connection from Wetland C to other aquatic resources. This was also verified from the main roadway by Corps personnel on September 3, 2019. Therefore, exclusion (b)(1) applies to Wetland C.
Wetland E	0.04	acres	(b)(1) Non-adjacent wetland.	Wetland E is located in a shallow depression on the upland island between the Weber River and perennial creek. The wetland is primarily supported by ground water but does not flow or connect to any other aquatic features. This was verified by Corps personnel on September 3, 2019. Therefore, exclusion (b)(1) applies.
Wetland F	0.03	acres	(b)(1) Non-adjacent wetland.	Wetland F is located in a shallow depression on the upland island between the Weber River and perennial creek. The wetland is primarily supported by ground water but does not flow or connect to any other aquatic features. This was verified by Corps personnel on September 3, 2019. Therefore, exclusion (b)(1) applies.
Wetland I	0.02	acres	(b)(1) Non-adjacent wetland.	Wetland I is an emergent marsh portion of the larger Wetland C complex, which covers a large area where groundwater seeps from the topographic rise to the northwest. Drainage direction is generally southwest and offsite, where it can be observed through aerial imagery

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				for approximately 700 feet beyond the study area boundary. Surface water dissipates off site in an upland field and there is no connection from Wetland I to other aquatic resources. This was also verified from the main roadway by Corps personnel on September 3, 2019. Therefore, exclusion (b)(1) applies to Wetland I.
Wetland J	0.44	acres	(b)(1) Non-adjacent wetland. (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Wetland J is an emergent marsh portion of the larger Wetland C complex, which covers a large area where groundwater seeps from the topographic rise to the northwest. Drainage direction is generally southwest and offsite, where it can be observed through aerial imagery for approximately 700 feet beyond the study area boundary. Surface water dissipates off site in an upland field and there is no connection from Wetland J to other aquatic resources. This was also verified from the main roadway by Corps personnel on September 3, 2019. Therefore, exclusion (b)(1) applies to Wetland J.
Ephemeral Stream	44	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Ephemeral Stream on site only flows in response to storm events localized storm events and does not convey seasonal or perennial flows.

**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: [BIO-WEST, Inc., "Weber Canyon Road 45-Acre Survey Area Aquatic Resources Report", September 11, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

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



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

- Photographs: [Aerial and Other. Google Earth 7.3.3.7692.\(1993, August 23; 2011, September 14; 2013, June 4; 2017, June 22\). Oakley, Utah. Latitude 40.76799° Longitude -111.205598°, eye alt 15,307 ft. Retrieved January 4, 2021, from <http://www.earth.google.com>.  
\[Historicaerials.com\]\(#\) 1961, 1978, 1997.  
\[BIO-WEST, Inc.\]\(#\), "Weber Canyon Road 45-Acre Survey Area Aquatic Resources Report", September 11, 2020 ground photos.](#)
- Corps site visit(s) conducted on: [September 3, 2019](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#).
- 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
<a href="#">USGS Sources</a>	<a href="#">N/A</a> .
<a href="#">USDA Sources</a>	<a href="#">N/A</a> .
<a href="#">NOAA Sources</a>	<a href="#">N/A</a> .
<a href="#">USACE Sources</a>	<a href="#">N/A</a> .
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A</a> .
<a href="#">Other Issues</a>	<a href="#">N/A</a> .

**B. Typical year assessment(s):** [N/A](#).

**C. Additional comments to support AJD:** [N/A](#).