



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 10, 2021

ORM Number: SPK-2020-00658

Associated JDs: N/A

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

State/Territory: UT City: Delta County: Millard County

Center Coordinates of Review Area: Latitude 39.07355 Longitude -113.100975

**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)<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
N/A	N/A	N/A	N/A

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<sup>2</sup> 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.

<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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**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
W-001	0.1 ACRE	(b)(1) Non-adjacent wetland	All of the aquatic resources listed under this table are within the Sevier Lake Basin, an endorheic lake. This lake is a playa that does not have an outlet and is not an (a)(1) water. Each of these aquatic resources either eventually drain into Sevier Lake or terminate prior to Sevier Lake. Gunnison Bend Reservoir is located upstream of Sevier Lake and the aquatic resources have the potential to flow through this reservoir, especially resources located near the Sevier River. Gunnison Bend Reservoir has been determined in previous jurisdictional determination to be non-jurisdictional and not a navigable-in-fact waterway, due to the lack of interstate commerce. The non-adjacent wetlands are labeled as W-001 through W-017 and do not directly abut an (a)(1) through (a)(3) water. W-001 and W-002 do directly abut the Sevier River a (b)(1) surface channel that does not contribute to an (a)(1) through (a)(3) water. Therefore, these waters within the 1,672-acre review area are not waters of the U.S. regulated under Section 404 of the Clean Water Act or under Section 10 of the Rivers and Harbors Act
W-002	0.01 ACRE		
W-003	0.12 ACRE		
W-004	0.5 ACRE		
W-005	0.24 ACRE		
W-006	0.29 ACRE		
W-007	0.09 ACRE		
W-008	0.11 ACRE		
W-009	0.07 ACRE		
W-010	0.49 ACRE		
W-011	0.44 ACRE		
W-012	0.70 ACRE		
W-013	0.24 ACRE		
W-014	0.12 ACRE		
W-015	0.08 ACRE		
W-016	0.45 ACRE		
W-017	1.42 ACRE		
D-001	338 FOOT	(b)(3) Ephemeral features, including an ephemeral stream, swale, gully, rill, or pool	The ephemeral channels are labeled as D-001 through D-014, including S-001, S-001A and S-006, are channels they only flow for short durations directly in response to precipitation events, which do not receive or contribute to an (a)(1) through (a)(3) water. Therefore, these waters within the 1,672-acre review area are not waters of the U.S. regulated under Section 404 of the Clean Water Act or under Section 10 of the Rivers and Harbors Act
D-002	256 FOOT		
D-003	165 FOOT		
D-004	132 FOOT		
D-005	33 FOOT		
D-006	335 FOOT		
D-007	358 FOOT		
D-008	392 FOOT		
D-008A	178 FOOT		
D-009	333 FOOT		
D-010	259 FOOT		
D-011	264 FOOT		
D-012	287 FOOT		
D-012A	185 FOOT		
D-013	216 FOOT		
D-014	239 FOOT		

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D-015	215	FOOT		
D-016	189	FOOT		
D-017	216	FOOT		
D-018	824	FOOT		
D-019	307	FOOT		
S-004	651	FOOT		
D-020	425	FOOT		
D-021	555	FOOT		
D-022	322	FOOT		
D-023	323	FOOT		
D-024	338	FOOT		
D-024A	193	FOOT		
D-025	314	FOOT		
D-026	281	FOOT		
D-027	261	FOOT		
D-028	325	FOOT		
S-006	302	FOOT		
D-029	126	FOOT		
D-030	384	FOOT		
D-031	564	FOOT		
D-032	447	FOOT		
D-033	420	FOOT		
D-034	424	FOOT		
D-035	306	FOOT		
D-036	304	FOOT		
D-037	279	FOOT		
D-038	246	FOOT		
D-039	570	FOOT		
D-040	239	FOOT		
D-041	3,521	FOOT		
D-042	213	FOOT		
D-043	81	FOOT		
S-001	216	FOOT	(b)(1) Surface water channel that does not contribute surface water flow direct or indirect to an (a)(1) water in a typical year.	The perennial and intermittent channels are labeled S-002 through S-007, and these channels do not have a surface water connection with an (a)(1) through (a)(3) water. Therefore, these waters within the 1,672-acre review area are not waters of the U.S. regulated under Section 404 of the Clean Water Act or under Section 10 of the Rivers and Harbors Act
S-001A	283	FOOT		
S-002	309	FOOT		
S-003	314	FOOT		
S-005	336	FOOT		

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S-005A			
S-007			

**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: Kern River Gas Transmission Company, Delta Lateral, Aquatic Resources Delineation, dated August 2020; and the Addendum to the Delta Lateral Aquatic Resources Report- October 2020 Mobilization, dated November 10, 2020.  
This information is sufficient for purposes of this AJD.  
Rationale: *N/A*.
- Data sheets prepared by the Corps:
- Photographs: GoogleEarth 7.3.3.7692. (1993 August 13, 1997, 2003 August 5, 2004 September 30, September 11, 2005 July 11, 2006 July 12, 2010 June 17, 2011 October 20, 2013 June 4, 2015 June 16, 2017 June 17, 2019 July 18, 2020 May 31). Delta, Utah. 39.24213° latitude, -112.43149° longitude, eye alt 4706 ft. Retrieved March 5, 2021, from <http://www.earth.google.com>; Historic Aerials by NETRonline. Aerials. 1958, 1965, 1972, 1983, 1993, 1997, 2011, and 2016. Retrieved March 5, 2021 from <https://www.historicaerials.com/viewer>.
- Corps Site visit(s) conducted on:
- Previous Jurisdictional Determinations (AJDs or PJDs): TransWest Electric Corridor AJD, verified February 13, 2020
- Antecedent Precipitation Tool:
- USDA NRCS Soil Survey:
- USFWS NWI maps:
- USGS topographic maps:

**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* or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

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**C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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