



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): June 8, 2021
ORM Number: SPK-2005-50437
Associated JDs: SPK-2005-50437
Review Area Location¹:

State/Territory: UT City: Spanish Fork County/Parish/Borough: Utah County
Center Coordinates of Review Area: Latitude 40.143932 Longitude -111.66397

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 exlcexclusions but 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
200550437-Ditch 1 Int	620 feet	(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)	Ditch 2 was constructed prior to 1958 when Spanish Fork Main Street was constructed. This roadside ditch conveys water to the north and helps remove water from the airport property. The section of Ditch 2 within the review area is not a realigned tributary and was not constructed through a wetland. Currently, the main function of this ditch is to convey stormwater from industrial development to the south and airport. This ditch flows north into a pipe (northeast corner of the review area) for approximately 630 feet and empties into Dry Creek. Ditch 1 was constructed in the early 1990's when the Utah Army National Guard complex to the north was constructed. This ditch flows west to east along the northern section of the review area and empties into Ditch 2. Ditch 1 is not a realigned tributary and was not constructed within a wetland. Therefore, Ditch 1 and 2 are (b)(5) excluded waters.
200550437-Ditch 2 Per	1770 feet		
200550437-WetA	0.21 acres	(b)(1) Non-adjacent wetland	Both Wetland A and B are physically and hydrologically separated from Ditch 1 and 2 that flow into Dry Creek the nearest (a)(2) waters, approximately 700 feet north. Wetland B is separated from Ditch 1 by an approximately 30 foot upland higher in elevation. Wetland A is separated by Ditch 1 by a 350-foot upland higher is elevation. Therefore, Wetland A and B are (b)(1) non-adjacent wetlands.
200550437-WetB	0.05 acres		

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: Spanish Fork City Airport 28-Acre Parcel, Aquatic Resources Report 2020, prepared by BioWest. This information (*is/is not/is and is not*) sufficient for purposes of this AJD. Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- 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). Spanish Fork, Utah. 40.14151° latitude, -111.65704° longitude, eye alt 4524 ft. Retrieved June 2, 2021, from <http://www.earth.google.com>; Historic Aerials by NETRonline. Aerials. 1958, 1965, 1972, 1983, 1993, 1997, 2011, and 2016. Retrieved June 2, 2021 from <https://www.historicaerials.com/viewer>.

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- ___ Corps Site visit(s) conducted on: *Date(s)*.
- ___ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.
- ___ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- ___ USDA NRCS Soil Survey: *Title(s) and/or date(s)*.
- ___ USFWS NWI maps: *Title(s) and/or date(s)*.
- ___ USGS topographic maps: *Title(s) and/or date(s)*.

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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