



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 7, 2021
ORM Number: SPK-2020-00596
Associated JDs: SPK-2016-00241-UO (North Pointe Ranch Delineation)

Review Area Location¹:

State/Territory: UT City: Salt Lake City County/Parish/Borough: Salt Lake County
Center Coordinates of Review Area: Latitude 40.79529 Longitude -112.055962

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

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 exelcusions but simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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N/A	N/A	N/A	N/A
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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
Canal 2	929 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)	Canal 2 is a man-made excavated side canal that breaches off an off-site canal (Canal 1 – see Section IIIC below). Canal 2 is approximately 11.2 feet wide and 1.5 feet deep. Water within this canal flows in a south/north direction. This is a man-made water conveyance structure constructed in uplands with earthen berms for the purpose of managing irrigation water into smaller irrigation ditches within the study area. This canal ends at the south end of Pond 1. The canal did not relocate a tributary, was not constructed in a tributary or constructed in adjacent wetlands. Therefore, since the canal is not a tributary under (a)(2), exclusion (b)(5) applies.
Canal 3	32 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)	Canal 3 is a man-made excavated side canal that breaches off an off-site canal (Canal 1). Canal 3 is approximately 8.1 feet wide and 2 feet deep and has a screw gate that is used to control flow conveyance to the Baileys Wetland Mitigation Bank approximately 1,500 feet north of the study area. This is a man-made water conveyance structure constructed in uplands with earthen berms for the purpose of managing irrigation water. The canal did not relocate a tributary, was not constructed in a tributary or constructed in adjacent wetlands. Therefore, since the canal is not a tributary under (a)(2), exclusion (b)(5) applies.
Pond 1	0.98 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Pond 1 is located on the northern end of Canal 2 at the northwest corner of the study area. Pond 1 receives water from Canal 1 and Canal 2. Water from pond 1 drains into wetland B. The pond is an above grade structure with earthen berms. When full the surface water in Pond 1 is about 6 feet higher in elevation compared to the bottom of adjacent Wetland B.
Wetland A	0.04 acres	(b)(1) Non-adjacent wetland	Wetland A (0.04 acre) is located near the south boundary on the western side of the study area on the bottom of an excavated stock pond associated with one of three artesian wells documented on-site. Water flowing from the artesian well is the only source of hydrology for this wetland. The wetland meets the definition of paragraph (c)(16); however, it does not abut, nor is it inundated by flooding from, an (a)(1) – (a)(3) water in a typical year, nor is it physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between the wetland and an (a)(1) – (a)(3) water. Non-adjacent wetland and are non-jurisdictional per the Navigable Waters Protection Rule (NWPR).

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NAVIGABLE WATERS PROTECTION RULE

Wetland B	5.31 acres	(b)(1) Non-adjacent wetland	Wetland B is situated on the bottom of an old meander scar on the historic Jordan River delta and located in the west portion of the study area. The meander scar is situated 4 to 5 feet lower in elevation than the surrounding higher-lying lake plain and is topographically distinct. An earthen berm separates Pond 1 from wetland B. When Pond 1 is filled to capacity, water overflows the earthen spillway and floods Wetland B. Water flowing from Pond 1 constitutes the only source of hydrology for this wetland. The eastern portion of the meander scar is not flooded with canal water and does not contain any wetlands. The wetland meets the definition of paragraph (c)(16); however, it does not abut, nor is it inundated by flooding from, an (a)(1) – (a)(3) water in a typical year, nor is it physically separated from an (a)(1) – (a)(3) water by a natural barrier. Furthermore, there is no hydrologic surface water connection between the wetland and an (a)(1) – (a)(3) water. Non-adjacent wetland and are non-jurisdictional per the NWPR.
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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: Ritchie Group NWQ Property dated June 2020 prepared by Frontier Corporation USA.
This information is sufficient for purposes of this AJD.
Rationale: N/A
- Data sheets prepared by the Corps: N/A
- Photographs: *Aerials*, GoogleEarth 7.3.3.7692. (December 30, 1985, 15 June 1997, 30 September 1997, 3 May 2002, 14 July 2003, 18 August 2003, August 24, 2004, 17 January 2005, 3 June 2005, 31 June 2006, 12 July 2006, 27 April 2007, 22 June 2009, 17 June 2010, 14 September 2011, 4 June 2013, 16 June 2015, 8 July 2016, 10 September 2018, 18 July 2009, 31 May 2020). Salt Lake County, Utah 40.796534 -112.057574, eye alt 10591 ft. Retrieved June 7, 2021 from <http://www.earth.google.com>.
- Corps Site visit(s) conducted on: Inspections completed on March 4 and April 14, 2021.
- Previous Jurisdictional Determinations (AJDs or PJDs): SPK-2016-00241-UO (North Pointe Ranch Delineation) verified on January 4, 2017. An approved jurisdictional verification was issued for areas adjacent to the subject study area under SPK-2016-00241-UO (North Pointe Ranch Delineation) verified on January 4, 2017. In said verification, approximately 442.01 acres of wetland, 53.41 acres of playa, 116.51 acres of ponded water, and 88,380 linear feet of channels were documented and were found to be jurisdictional under the 2008 Rapanos Guidance. Since they were tributaries to the Great Salt Lake, directly abutting a tributary to the Great Salt Lake, or had a significant nexus with the Great Salt Lake. The AJD found that 2.19

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acres of playa and 1.28 acres of emergent wetland 2 were intrastate isolated aquatic resources with no apparent interstate or foreign commerce connection; therefore, these resources were found to be not jurisdictional under the 2008 Rapanos Guidance. The northern section of the meander scar associated with Wetland B was identified as wetland SM-32 in the North Pointe Ranch Delineation. Wetland SM-32 is the continuation of Wetland B beyond the north property boundary and has a direct connection to the southern ends of the old meander scar on the subject study area. SM-32 was determined to be a non-abutting wetland per Rapanos Guidance since the wetland would flow into a Relative Permanent Waterway with a significant nexus to the nearest Traditional Navigable Waterway, the Great Salt Lake. However, based on the Rationale for Exclusion Determination in Section D above, Wetland D is not and adjacent wetland and is not jurisdictional per the NWPR.

- ___ 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
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

C. Typical year assessment(s): N/A

D. Additional comments to support AJD: An abandoned system of old earthen ditches that were used to flood irrigate the property remains evident throughout the study area. However, none of the old ditches had an ordinary high-water mark, wetland plants growing in them, or any signs of recent use. These lateral ditches would spread water delivered by the canal system.

An additional man-made canal (Canal 1) is located just outside of the study area along the western property boundary. Canal 1 branches off the North Point Canal approximately 1 mile north of the study area and supplies irrigation water to Canal 2, Canal 3, and Pond 1. Flow direction has been modified from its original south/north direction due to surrounding construction efforts and the canal currently flows in a north/south direction.

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