



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): July 14, 2021

ORM Number: SPK-2021-00476

Associated JDs: N/A.

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 38.286874 Longitude -112.515363

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 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.

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 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
C-1	0.833 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	South Fork Baker Creek travels West and dissipates into the ground without encountering an (a)(1-3) water. Creek is isolated and therefore non-jurisdictional.
C-2	0.128 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Spring fed unnamed creek that dissipates into the ground to the West without encountering an (a)(1-3) water. Creek is isolated and therefore non-jurisdictional.
W-1	0.004 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Wetland abutting South Fork Baker Creek. Non-jurisdictional due to the creek not being jurisdictional.
W-2	0.004 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Wetland abutting South Fork Baker Creek. Non-jurisdictional due to the creek not being jurisdictional.
W-3	0.001 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Wetland abutting South Fork Baker Creek. Non-jurisdictional due to the creek not being jurisdictional.
W-4	0.0002 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Wetland abutting South Fork Baker Creek. Non-jurisdictional due to the creek not being jurisdictional.
W-5	0.0004 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Wetland abutting South Fork Baker Creek. Non-jurisdictional due to the creek not being jurisdictional.
W-6	0.024 acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Spring fed wetland fed by the same spring as the unnamed creek. Non-jurisdictional due to the creek not being jurisdictional.

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: Aquatic Resource

Delineation: Beaver Springs dated February 2021.

This information is sufficient for purposes of this AJD.

Rationale: N/A.

Data sheets prepared by the Corps: Title(s) and/or date(s).

Photographs: (aerial and other) Aquatic Resource Delineation: Beaver Springs Appendix C sample point photographs. Google Maps (<https://goo.gl/maps/m1W8oswGsNHMGiTH6>)

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accessed on July 07, 2021.

- ___ 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: National Wetlands Inventory Mapper (<https://www.fws.gov/wetlands/data/mapper.html>) Accessed on July 07, 2021.
- USGS topographic maps: Map 2: Project Location – Topographic Beaver Springs dated 02/08/2021.

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: South Fork Baker Creek flows into the Milford Flats. Aquatic resources adjacent to the Sevier River, including Sevier River itself, located downstream of Yuba Lake are isolated. The creek travels from East to West and eventually dissipates into the ground without travelling to any a(1-3) water. The tributaries and wetlands connected to them are therefore not subject to jurisdiction under Section 404 of the Clean Water Act.

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