



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): August 24, 2021

ORM Number: SPK-2021-00482

Associated JDs: N/A

Review Area Location¹: 169 HollyBrook Cove

State/Territory: UT City: Draper County/Parish/Borough: Salt Lake County

Center Coordinates of Review Area: Latitude 40.519983 Longitude -111.886151

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: The property encompasses approximately 0.4631 acre of land used for a single-family property. The U.S. Geological Service (USGS) topographic map shows a blue line on the north side of the property. This blue line is Willow Creek which is located outside of the project area approximately 400-feet north of the property line. The U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) mapping shows no indications of wetlands within the property. The U.S. Department of Agriculture (USDA) Natural Resource Conservation Service Soil Survey shows no hydrologic soils on the property. A review of Google Earth aerials focused on the winter through early summer months shows no hydrology signatures identified within the review area.

This request was submitted on behalf of the property owner. Based on information submitted by the contractor, a conservation easement exists within the project area. A search of ORM records revealed that this easement is not related to a Corps permit or mitigation area, but a restriction imposed by the state or municipal government. In order to release the property from the easement restrictions, Draper City required the property owner to obtain documentation from the Corps indicating that a permit for work in this area would not be required. Based on a review of the information provided by the property owner, the USGS topographic maps, USFWS NWI wetland mapper, USDA soils maps, and historic aerials, the entire review area is comprised of dry land with no aquatic resources.

- 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

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.



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

§ 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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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: Lauren Hales on June 30, 2021
This information (is/is not/is and is not) sufficient for purposes of this AJD.
Rationale: N/A
- ___ Data sheets prepared by the Corps: Title(s) and/or date(s).
- x** Photographs: Aerials: GoogleEarth 7.3.37692 (3 May 2002, 31 December 2005, 17 June 2010, 4 June 2013, 16 June 2015, 17 June 2017, 10 October 2019, 11 September 2020)
Draper, Utah Latitude: 40.519983 Longitude: -111.886151, eye alt 5323ft. Retrieved July 28, 2021.
- ___ Corps Site visit(s) conducted on: N/A.
- ___ Previous Jurisdictional Determinations (AJDs or PJDs): N/A.
- ___ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.

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.



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

- USDA NRCS Soil Survey: USDA – Web Soil Survey National Cooperative Soil Survey. Salt Lake Area, Utah. Retrieved July 28, 2021 from <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>
- USFWS NWI maps: USFWS. (n.d.). National Wetland Inventory. Project area: 169 E HollyBrook Cove Draper, UT 84020. Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Washington, D.C.: U.S. Fish and Wildlife Service, Dept of the Interior. Retrieved July 28, 2021 from Wetland Mapper: <https://www.fws.gov/wetlands/data/mapper.html>.
- USGS topographic maps: USGS. (1909). Topographic Maps Midvale, UT 2020 1:24,000 scale. Reston, VA, USA: U.S. Dept. of the Interior. Retrieved July 28, 2021 from <https://ngmdb.usgs.gov/topoview/viewer/#15/40.5199/-111.8861>.

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

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.