



**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 24, 2020](#).

ORM Number: [SPK-2018-00342](#).

Associated JDs: [SPK-2019-00783-Arrowhead-Industrial](#); [SPK-2007-01616-Salem-Glen](#).

Review Area Location¹: State/Territory: [Utah](#). City: [Salem](#). County/Parish/Borough: [Utah](#).

Center Coordinates of Review Area: Latitude [40.0787](#). Longitude [-111.6814](#).

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](#).
- 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).

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.



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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. acres	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. acres	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. acres	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. acres	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Playa Wetland 2	0.041 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland extends off site to the north, then east and south where it directly abuts a ditch. The ditch is an (a)(2) water (tributary) because it has perennial flow in a typical year, contributes flow to an (a)(1) water (Utah Lake) in a typical year via Beer Creek and Benjamin Slough, and was constructed in an adjacent wetland.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination

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 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.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Playa Wetland 1	0.478	acres	(b)(1) Non-adjacent wetland.	This feature is situated in a topographically low area that temporarily holds precipitation and may intercept high ground water for short durations. A diffuse sheet flow/ephemeral swale area extends off site to the south which separates Playa Wetland 1 from other offsite wetlands that abut the tributary ditch. Fill piles were placed in the drainage swale south of Playa Wetland 1 sometime between 2013 and 2016. However, documentation provided by the applicant shows that surface water flow to the south would not be totally blocked by the fill. In extreme precipitation events, diffuse sheet flow still drains around and to the south the fill, though there is no evidence of channelized flow to the offsite ditch. Historic aerial imagery shows that, prior to placement of this fill, there was only non-channelized, overland sheet flow south of Playa Wetland 1 (Google Earth September 14, 2011; APT September 14, 2011). This feature is separated from the tributary ditch (nearest (a)(1), (a)(2) or (a)(3) water) by approximately 950 feet of upland and upland swale area. The tributary ditch does not flood the subject wetland in a typical year.
PEM Wetland 1	0.011	acres	(b)(1) Non-adjacent wetland.	This feature is located in a very small natural depression that temporarily holds precipitation and may intercept high ground water for short durations. The feature is completely surrounded by uplands and shows no signs of drainage away from the feature. This feature is separated from the tributary ditch

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



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				(nearest (a)(1), (a)(2) or (a)(3) water) by approximately 650 feet of uplands and wetlands. The tributary ditch does not flood the subject wetland in a typical year.
PEM Wetland 2	0.005	acres	(b)(1) Non-adjacent wetland.	This feature is located in a very small natural depression that temporarily holds precipitation and may intercept high ground water for short durations. The feature is completely surrounded by uplands and shows no signs of drainage away from the feature. This feature is separated from the tributary ditch (nearest (a)(1), (a)(2) or (a)(3) water) by approximately 600 feet of uplands and wetlands. The tributary ditch does not flood the subject wetland in a typical year.

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: [Natural Resources Consulting](#). This information is sufficient for purposes of this AJD.
Rationale: [The Corps concurred with the boundaries of Playa Wetland 1, Playa Wetland 2, PEM Wetland 1, and PEM Wetland 2 in an August 16, 2018 Aquatic Resource Verification letter. Upon review of additional information provided by the applicant and evaluation of the site under the NWPR, the Corps made the determination that Playa Wetland 1, PEM Wetland 1, and PEM Wetland 2 are not waters of the United States pursuant to 33 CFR §328.3\(a\) and are therefore excluded by 33 CFR §328.3\(b\)\(1\).](#)
- Data sheets prepared by the Corps: .
- Photographs: [Aerial and Other. Google Earth \(1993-2019\), Digital Globe \(2016-2020\), Historicaerials.com \(1947-1983\), delineation report dated April 23, 2018, AJD request and supplemental information dated April 22, 2020 and June 4, 2020.](#)
- Corps site visit(s) conducted on: [June, 2018.](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [AR verification completed August 16, 2018.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey- April 21, 2018.](#)
- USFWS NWI maps: [Online Wetland Mapper- July 30, 2020.](#)
- USGS topographic maps: [USGS 24K Quad, Spanish Fork, UT.](#)



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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 Issues	N/A.

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was used to determine the typical year assessment for this site based on the consultant's site visit date of April 18, 2020. The ATP indicates that the rainfall conditions were drier than normal at the time of the site visit. This tool was also used to show that wetter than normal conditions existed on September 14, 2011, and the corresponding aerial image shows no indication of channelized flow from the Playa Wetland 1 to the tributary ditch.

C. Additional comments to support AJD: Playa Wetland 2 is contiguous with a wetland complex that extends offsite and the eastern extent of the wetland abuts a tributary ditch east of the study area. This ditch was constructed in wetlands and has perennial flow based on historic aerials (Google Earth 1993-2019, Digital Globe 2016-2020, historicaerials.com 1947-1983). In the 1947 image, wetland signatures can be seen adjacent to the ditch that are consistent with current delineated and field-verified wetlands in this and adjacent study areas, demonstrating that the ditch was constructed through a wetland area. In addition, Corps personnel have observed flow in the ditch while conducting field work for other projects in the area (SPK-2009-01357, SPK-2017-00119, SPK-2019-00783, SPK-2007-00683, SPK-2016-00821) over several years (Pectol, 2012-2020) and during all seasons. The ditch flows generally southwest to its confluence with Beer Creek, approximately 1.2 miles southwest of the study area. Beer Creek is an (a)(2) water that flows directly into Benjamin Slough, another (a)(2) water, which empties into Utah Lake, the nearest (a)(1) water (navigable-in-fact determination, SPK-2007-01601). The non-abutting wetlands on site are not influenced by the flow regime or flooding events of the ditch. Playa Wetland 1 contributes no flow to the ditch in a typical year. Any drainage from the wetland to the ditch from extreme conditions would be in the form of diffuse, non-channelized sheet flow for a short duration. PEM Wetland 1 and PEM Wetland 2 are small depressions, surrounded by uplands, that collect and hold precipitation that evaporates or percolates.