



**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): 8/17/2020  
 ORM Number: SPK-2020-00042  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: UT City: Harrisville County/Parish/Borough: Weber County  
 Center Coordinates of Review Area: Latitude 41.2907 Longitude -111.9853

**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).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

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

<sup>2</sup> 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.

<sup>3</sup> 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.



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**D. Excluded Waters or Features**

Excluded waters (b)(1) – (b)(12): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ditch 1: East to West.	1,666	linear 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).	A search of the Utah Department of Natural Resources (DNR) Aerial Imagery Collection revealed that the ditches documented on-site did not relocate a tributary or were constructed in a tributary or constructed in adjacent wetlands. Therefore, since ditch 1 is not a tributary under (a)(2), exclusion (b)(5) applies.
Ditch 2: South to Southeast.	1,420	linear 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).	A search of the Utah DNR Aerial Imagery Collection revealed that the ditches documented on-site did not relocate a tributary or were constructed in a tributary or constructed in adjacent wetlands. Therefore, since ditch 2 is not a tributary under (a)(2), exclusion (b)(5) applies.
Ornamental Ponds	2.87	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	The golf course was constructed in 1957. A search of the Utah DNR Aerial Imagery Collection revealed the golf course was constructed in uplands. Therefore, the ponds are artificial, excavated in uplands, and do not meet the conditions of paragraph (c)(6). Artificial ponds meet the (b)(8) exclusion.
Wetland A	1.47	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is located within a detention basin that was constructed in uplands on the northern side of the golf course in the lower area of the detention basin. A grated inflow pipe is located on the north side of the detention basin which allows water flow and ponding of water in the wetland. The detention basin was constructed for flood control within Harrisville City's Millennial Park located in the northeast section of the

<sup>4</sup> 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.

<sup>5</sup> 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)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			survey area. The detention basin was constructed wholly in uplands and controls features that convey, treat, infiltrate, or store stormwater runoff. Therefore, the detention basin meets the (b)(10) exclusion.
Wetland B	0.05	acre(s)	(b)(1) Non-adjacent wetland. This wetland is located within a low drainage swale that receives surface water drainage from one of the golf course ponds. This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (3) water in a typical year, nor is it physically separated from an a)(1), (2), or (3) water by a natural or artificial barrier. This swale could have been an old drainage ditch that became overgrown with wetland vegetation.
Wetland C	0.19	acre(s)	(b)(1) Non-adjacent wetland. This wetland is growing along the margins of an artificial pond located on the southeast side of the golf course. Although this wetland is growing within the pond margins (i.e. directly abutting), the wetland does not meet the conditions of paragraph (a)(4) for adjacency since the pond is an excluded feature pursuant to (b)(8). A wetland adjacent only to a non-jurisdictional water meets the (b)(1) exclusion.
Wetland D	0.30	acre(s)	(b)(1) Non-adjacent wetland. This wetland is situated east of the ditch that runs in a south-southeast direction at the center portion of the golf course. This wetland is directly abutting the ditch; however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since the ditch is an excluded feature pursuant to (b)(5), see Ditch 2: South to Southeast. A wetland adjacent only to a non-jurisdictional water meets the (b)(1) exclusion.
Wetland E	0.04	acre(s)	(b)(1) Non-adjacent wetland. This wetland is situated at the terminus of a ditch located on-site and collects seasonal overbank flooding from the ditch at times of high flow. The ditch is excluded pursuant to (b)(5), see Ditch 2: South to Southeast. This wetland does not abut, nor is it inundated by flooding from, an (a)(1), (2), or (3) water in a typical year, nor is it physically separated from an (a)(1), (2), or (3) water by a natural or artificial barrier.
Wetland F	0.19	acre(s)	(b)(1) Non-adjacent wetland. This wetland is growing along the margins of an artificial pond located on the southeast side of the golf course. Although this wetland is growing within the pond margins (i.e. directly abutting), the wetland does not meet the conditions of paragraph (a)(4) for adjacency since the pond is an excluded pursuant to (b)(8), see Ornamental



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			Ponds. A wetland adjacent only to a non-jurisdictional water meets the (b)(1) exclusion.

**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: [Ben Lomond Golf Course 127.7-acre Parcel Aquatic Resources Inventory Report Weber County, Utah dated October 2019 and Ben Lomond Ordinary High Water Mark Supplemental Information Dated May 22, 2020 prepared by Bio-West Consultants.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial: GoogleEarth 7.3.3.7692. \(1993 August 13, 2002 July 27, 2006 July 7, 8 July 2019\). North Ogden, Utah. 41.289476° latitude, -111.985613° longitude, eye alt 8745 ft. Retrieved August 17, 2020, from <http://www.earth.google.com>](#)

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.](#)

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
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">USFS (23 June 1963). Name: Elk_1-84. Project 1963 ELK. North Ogden, Utah 41.31205° latitude, -111.99251° longitude. Retrieved on August 17, 2020, from <a href="https://geodata.geology.utah.gov/imagery/">https://geodata.geology.utah.gov/imagery/</a></a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [N/A.](#)

**C. Additional comments to support AJD:** [The waters on-site flow between the ornamental ponds, ditches 1 and 2, and a drainage swale located along US-89 which bounds the project area on the west side. From then, water drains into a network of ditches that discharge into the Willard Canal, which flows into Willard Reservoir on the Great Salt Lake. The nearest potential \(a\)\(1\), \(a\)\(2\) or \(a\)\(3\) water is a canal south of the non-adjacent wetlands, and outside of the review area. The intervening area between the nearest \(a\)\(1\), \(a\)\(2\) or \(a\)\(3\) potential water is upland. Furthermore, due to the topography in the area and location, none of the non-adjacent wetlands have a hydrologic connection to the nearest potential \(a\)\(1\), \(a\)\(2\) or \(a\)\(3\) water.](#)