



**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 30, 2020.

ORM Number: SPK-2020-00546.

Associated JDs: N/A.

Review Area Location¹: State/Territory: Utah. City: 6 miles north of Milford.

County/Parish/Borough: Millard.

Center Coordinates of Review Area: Latitude 38.54126. Longitude -113.01123.

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 Milford Solar Phase II study/review area encompasses approximately 2,453 acres. The project site is located within the Beaver River Bottoms that historically received water from the Beaver River before the creation of Minersville Reservoir. All water is diverted at the Minersville Reservoir for irrigation use and no longer reaches the Beaver River Bottoms. This is identified in the Aquatic Resources Delineation Report for the Milford Solar Phase II Project, Beaver County, Utah, aerial photographs 1993-2020, and the study area being dominated by upland vegetation. Dominant vegetation is mainly comprised of greasewood (*Sarcobatus vermiculatus*), clasping pepperweed (*Lepidium perfoliatum*), and bur buttercup (*Ceratocephala testiculata*). The aerial photos reviewed focused on the winter through early summer months with no hydrology signatures identified with the review area. This office has also verified two No Permit Required projects (SPK-2018-00651, SPK-2015-00444) in the vicinity of the review area and an Approved Jurisdictional Determination (SPK-2007-02034), none of these projects resulted with the identification of any aquatic resources. The NWI and NHD maps do identify potential wetlands and channels, but each of these features were field check by the consultant and resulted in either no ordinary high water mark (OHWM) or wetland indicators. The delineation report included photos of each of the potential aquatic resource features and clearly illustrated the lack of an OHWM or wetland indicators. Also, each of these sites did not exhibit playa hydrologic indicators, such as, soil cracking, salt crust, or hydrophytic halophytes. Therefore, the entire 2,453 acre review area is 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.



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§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A. acres		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.

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.

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.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A. acres		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. acres		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: ["Aquatic Resources Delineation Report for the Milford Solar Phase II Project, Beaver County, Utah" prepared by SWCA Environmental Consultants, dated May 2020.](#)

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.

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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This information *is* sufficient for purposes of this AJD.

Rationale: *N/A* .

- Data sheets prepared by the Corps: .
- Photographs: *Aerial: GoogleEarth 7.3.3.7692. (1993 July 17, 2006 September 24, 2009 August 8, 2013 April 30). Milford, Utah. 38.539839° latitude, -113.003806° longitude, eye alt 13910 ft. Retrieved August 7, 2020, from <http://www.earth.google.com>; 2019 Digital Globe. (2016 May 13, 2019 April 18, 2020 February 2). Milford, Utah. 38.539839° latitude, -113.003806° longitude, zoom level 13 (3,000 feet). Retrieved August 7, 2020, from <https://evwhs.digitalglobe.com>.*
- Corps site visit(s) conducted on: .
- Previous Jurisdictional Determinations (AJDs or PJDs): .
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: .
- USFWS NWI maps: *USFWS. (n.d.). National Wetland Inventory. Project area: Milford, Utah. Source imagery date: 1983. Washington, D.C.: U.S. Fish and Wildlife Service, Dept. of the Interior. Retrieved August 11, 2020, from Wetland Mapper: <https://www.fws.gov/wetlands/data/mapper.html>.*
- USGS topographic maps: *USGS. (1909). Topographic Maps Lime Mountain 2010, Read 2010, Milford 1958, and Ranch Canyon 1958. 1:24,000 scale. Reston, VA, USA: U.S. Dept. of the Interior. Retrieved from <https://ngmdb.usgs.gov/topoview/viewer/#12/42.2093/-111.0122>.* .

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	<i>USGS. (2018, August 13). National Hydrography Dataset Plus High Resolution (NHDPlus HR) for 4-digit Hydrologic Unit - 1601. Washington, D.C., USA. Retrieved from https://viewer.nationalmap.gov/basic/?basemap=b1&category=nhd&title=NHD%20View.</i>
USDA Sources	<i>N/A.</i>
NOAA Sources	<i>N/A.</i>
USACE Sources	<i>N/A.</i>
State/Local/Tribal Sources	<i>N/A.</i>
Other Issues	<i>N/A.</i>

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

C. Additional comments to support AJD: *N/A.*