



**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): [December 16, 2020](#).

ORM Number: [SPK-2019-00649](#).

Associated JDs: [N/A](#).

Review Area Location¹: State/Territory: [UT](#). City: [North Ogden](#). County/Parish/Borough: [Weber](#).

Center Coordinates of Review Area: Latitude [41.305836](#). Longitude [-111.968705](#).

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
O01	125	Linear Feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This feature is a jurisdictional ditch (a)(2) water (tributary) because it has perennial flow in a typical year, contributes flow to an (a)(1) water (Great Salt Lake) in a typical year via Cold Springs Creek, and was constructed in an adjacent wetland/tributary.

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
N/A.	N/A.	acres	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

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
W01	0.04	acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	A review of historical aerial photographs revealed the pond was constructed sometime between 1974 and 1977 in an area where a house used to exist. Therefore, the pond is artificial, excavated in uplands, and does not meet the conditions of paragraph (c)(6). The artificial pond meets the (b)(8) exclusion.
W02	0.12	acres	(b)(1) Non-adjacent wetland.	W02 is located at the intersection of 2600 N and 400 E. A review of historical aerial photographs indicates that a building existed in the area from 1978 and was demolished sometime in the early 90's. After that, a house occupied the area until 2009. The Corps inspection revealed the site is at a lower elevation than the adjacent properties. The area is ponded by water that seeps into the site from a nearby artesian well or a water line that serviced the previously existing house. This wetland meets the definition of paragraph (c)(16); however, it does not abut, nor is it inundated by flooding from, an (a)(1) – (a)(3) water in a typical year, nor is it physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between the wetland and an (a)(1) – (a)(3) water.

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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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 Report SR 235 Intersection Improvements Weber County dated August 30, 2019 prepared by Martin & Nichols Environmental Consultants, Inc.](#)

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. \(13 August 1993, 7 October 1998, 27 July 2002, 18 August 2003, 27 August 2004, 3 February 2005, 27 February 2005, 17 April 2005, 25 May 2006, 31 July 2006, 6 November 2007, 4 February 2008, 22 June 2009, 17 July 2010, 14 September 2011, 4 June 2013, 16 June 2015, 8 July 2016, 17 June 2017, 9 September 2018, 18 June 2019, 15 May 2020\). Weber County, Utah 41.305836 -111.968705, eye alt 2978 ft. Retrieved December 16, 2020 from <http://www.earth.google.com>. <http://www.earth.google.com> Historic Aerials by NETRonline. Topo Maps. T1956, T1966, T1971, T1978, T1986, T1992, T2001, T2014, T2017. Aerials 1958, 1965, 1966, 1971, 1983, 1993, 1997. Retrieved December 15, 2020 from <https://www.historicaerials.com/viewer>.](#)

Corps site visit(s) conducted on: [November 13, 2019.](#)

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: [North Odgen Quadrangle, Plain City Quadrangle, and Plain City SW Quadrangle, 7.5 Minute Series Retrieved on December 15, 2020 from <https://ngmdb.usgs.gov/topoview/viewer/#4/39.98/-100.02>.](#)

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 give context to this site based on the inspection date of November 13, 2019 \(Corps' site inspection\). The APT indicates that during the site inspection the project area was experiencing drier than normal conditions and the drought index PDSI was indicating an incipient drought. Google Earth aerial photography, including records from typically wet periods \(3 February 2005, 27 February 2005, and 17 April 2005\) did not reveal the presence of surface water. The ATP indicates that during February and April of 2005 the project area was](#)



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experiencing normal conditions and the drought index PDSI was indicating severe wetness. Based on the information documented in the aerial photographs and the APT, the site conditions observed in 2005 are reflective of a typical year.

- C. Additional comments to support AJD:** The project area is comprised of two distinct locations along N 400 East. W01 is approximately 20 feet north and W02 is approximately 500 feet south from O01 (North Ogden Canal), an (A)(2) water. W01 is created by impounding of water from a natural spring source. Although A01 is a man-made structure, a review of topographic maps and historic aerials confirmed water flows between (A)(2) waters up/downstream connecting to this feature. Feature O01 does not meet the definition of a tributary because it is not a naturally occurring surface water; however, it meets the definition of a jurisdictional ditch since the canal is an irrigation canal that was constructed in the early 1900's in adjacent wetlands by relocating a tributary.