



**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-2020-00536](#).

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

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

Center Coordinates of Review Area: Latitude [40.23975](#). Longitude [-112.02160](#).

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 318-acre review area is located within Cedar Valley in an area know as "The Sinks". Historically, this area was a large playa/saline wet meadow complex that extended into the southwest corner of the review area. Climatic conditions and hydrologic modifications from agricultural activities have resulted in the drying of sections of "The Sinks." Areas that have dried are along the fringes of "The Sinks," which includes a section of the review area. This is evident when reviewing historical aerials that extended back to 1958. Aerial photographs analyzed focused on primarily on recent wet years, 2006 and 2011. Within the recent year photos, none of the 318-acre review area appeared to be saturated. However, adjacent properties to the west are saturated in a few recent aerials but are located at least 5 feet below the review area elevation. The lack of review area hydrology is also evident considering the area is dominated by upland species, such as, cheatgrass \(*Bromus tectorum*\) and rubber rabbitsbrush \(*Ericameria nauseosa*\), and no wetland species were identified within the aquatic resource report. Sample points #1 and #3 did exhibit marginal hydric soil indicators \(F3- Depleted Matrix\), which are believed to be relic, since there were no indicators of recent hydrology or hydrophytic vegetation. Due to the lack of hydrology indicators in the field and off of recent aerials photographs, it has been determined that the entire 318-acre review area is dryland.](#)
- 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
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
N/A.	N/A. acres	N/A.	N/A.

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.

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: [Simons Parcel- Aquatic Resource Delineation Report, dated July 10, 2020, prepared by Martin & Nicholson Environmental Consultants, LLC.](#)
This information is sufficient for purposes of this AJD.

Rationale: [N/A](#) .

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial: GoogleEarth 7.3.3.7692. \(1993 August 13, 1997, 2003 August 5, 2004 September 30, September 11, 2005 July 11, 2006 July 12, 2010 June 17, 2011 October 20, 2013 June 4, 2015 June 16, 2017 June 17, 2019 July 18, 2020 May 31\). Springville, Utah. 40.23975° latitude,- 112.02160° longitude, eye alt 7643 ft. Retrieved December 10, 2020, from http://www.earth.google.com; Historic Aerials by NETRonline. Aerials. 1958, 1965, 1972, 1983, 1993, 1997, 2011, and 2016. Retrieved December 10, 2020 from https://www.historicaerials.com/viewer.](#)

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: .

USGS topographic maps: .

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): [N/A.](#)

C. Additional comments to support AJD: [N/A.](#)