



**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): [10/15/2020](#).

ORM Number: [SPK-2020-00602](#).

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

Review Area Location<sup>1</sup>: State/Territory: [Utah](#). City: [Midway](#). County/Parish/Borough: [Wasatch](#).

Center Coordinates of Review Area: Latitude [40.52081°](#). Longitude [-111.46323°](#).

**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).

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<sup>1</sup> 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)<sup>2</sup>**

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

**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
W01.	0.40	acre	(b)(1) Non-adjacent wetland.	This wetland meets the definition of paragraph (c)(16); however, it 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

<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.

<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 artificial barrier. Furthermore, there is no hydrologic surface water connection between the wetland and a paragraph (a)(1) – (a)(3) water 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: [Aquatic Resource Delineation Report for Bliss Property, dated July 29, 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: [N/A.](#)

Photographs: [Aerial and Other.](#) 1.) Aerial imagery: [Google Earth imagery \(July 18, 2019; September 10, 2018; June 22, 2017; July 8, 2016\). Midway, Utah. Latitude: 40.52081° N, Longitude: -111.46323° W, eye alt 6218 feet. \(Retrieved October 5, 2020 from http://www.earth.google.com Worldview. \(April 18, 2020; May 6, 2019\). Multiple mosaic product and GE01, respectively. 9b39772ba5919c84d4c5e053ea8b8bf1 and 1142a0eafcf4f7c4fe011cd9495eb6be, respectively. Orthorectified. Midway, Utah, USA: DigitalGlobe, Inc. 2.\) Ground photos: \[Aquatic Resource Delineation Report dated July 16, 2020 .\]\(#\)](#)

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: [Soils \(Figure A-3, Aquatic Resource Delineation Report\).](#)

USFWS NWI maps: [National Wetland Inventory and National Hydrography Dataset \(Figure A-2, Aquatic Resource Delineation Report\).](#)

USGS topographic maps: [Project Location \(Figure A-1, Aquatic Resource Delineation Report\).](#)

**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="#">Project Location (Figure A-1, Aquatic Resource Delineation Report), LANDFIRE data (USGS 2019).</a>
<a href="#">USDA Sources</a>	<a href="#">Soils (Figure A-3, Aquatic Resource Delineation Report).</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>



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Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	N/A.
Other Issues	N/A.

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

**C. Additional comments to support AJD:** An irrigation ditch exists outside the project area to the northwest. This wetland would not be jurisdictional even if there was a surface water connection to the irrigation ditch as the ditch is excluded pursuant to (b)(5). The nearest potential (a)(1), (a)(2) or (a)(3) water is the Provo River, located approximately 3,100 linear feet due east of the non-adjacent wetland. The intervening areas between the Jordan River and the non-adjacent wetland are upland, a major north-south running road, and an agricultural field. Furthermore, due to the presence of development between the Provo River and the non-adjacent wetland, there does not appear to be a hydrologic connection between the two aquatic resources. Additionally, the irrigation ditch to the northwest of the non-adjacent wetland can be seen on aerial imagery dating back to 1993 (Google Earth) and there is no evidence to suggest that the irrigation ditch is a relocated (a)(1), (a)(2), or (a)(3) water. The best available data, including aerial imagery and the APT, indicates that the boundaries of the delineated, non-adjacent wetland are accurate.