



**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): [October 21, 2020](#).

ORM Number: [SPK-2020-00648](#).

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

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

Center Coordinates of Review Area: Latitude [41.7682](#). Longitude [-111.8543](#).

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 |
| 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 |
| Wetland A | 0.29 acres | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year. | Wetland A extends beyond the study area to the west and flows through a culvert under 1000 West into a large contiguous complex of wet meadow and emergent marsh wetlands. This complex directly abuts and drains directly into Swift Slough, an (a)(2) tributary. Swift Slough flows into Cutler Reservoir, an impoundment of the Bear River, which drains directly into the Great Salt Lake. |

D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ |
|--|
| |

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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| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
|----------------|----------------|-------|------------------------------|--|
| Wetland B | 0.08 | acres | (b)(1) Non-adjacent wetland. | Wetland B is located in a depression surrounded by a parking lot, detention basin, and uplands. Hydrology primarily comes from high groundwater and there is no indication of flow or drainage from this feature. Wetland B may have been historically connected to a larger overall wetland complex, but development, agricultural activities, and hydrologic changes have removed any potential connections to other aquatic features. |

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: [BIO-WEST, Inc.; Campbell Scientific Property-14.5 Acres Aquatic Resources Inventory Report, Cache County, Utah; August 12, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale:

Data sheets prepared by the Corps:

Photographs: Aerial: [Google Earth 7.3.3.7692.\(1993, August 13; 2011, September 14; 2018, September 14\). Logan, Utah. Latitude 41.7682 Longitude -111.8543, eye alt 10,200 ft. Retrieved October 19, 2020, from <http://www.earth.google.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:

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: [Wetland A and the wetland complex is in fact one wetland that is adjacent in its entirety since it is divided only by a road with a culvert that allows for a direct hydrological connection through the road in a typical year, consistent with 33 CFR 328.3\(c\)\(1\)\(iv\) and the preamble \(85 FR 22312-22313, 21 April 2020\). The off-site boundary of Wetland A extends up to the culvert and there are no other barriers or features that come between Wetland A and the culvert. Swift Slough and the Bear River meet the definition of a tributary at 33 CFR 328.3\(c\)\(12\) because they are perennial waters that contribute surface water flow in a typical year to the Great Salt Lake, an \(a\)\(1\) water.](#)