



**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): [September 3, 2020](#).

ORM Number: [SPK-2020-00527](#).

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

Review Area Location¹: State/Territory: [UT](#). City: [Salt Lake City](#). County/Parish/Borough: [Salt Lake County](#).

Center Coordinates of Review Area: Latitude [40.84381](#). Longitude [-111.95604](#).

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.	N/A.	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.	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)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
PEM Wetland	0.0374	Acres	(b)(1) Non-adjacent wetland.	This wetland is situated west of a ditch that runs in a north-south direction. This wetland is directly abutting the ditch; however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since the ditch is an

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				excluded feature pursuant to (b)(5), see Ditch.
PUB Pond	0.1685	Acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	A review of historic aerial imagery revealed that the pond was excavated in uplands after 1958. 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.
Ditch	2,014	Linear Feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	A review of historic aerial imagery revealed that the ditch documented on-site did not relocate a tributary, was not constructed in a tributary or constructed in adjacent wetlands. Therefore, since the ditch is not a tributary under (a)(2), exclusion (b)(5) applies.

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 Cross E Ranch Salt Lake County, Utah dated June 3, 2020 prepared by Kagel Environmental, LLC.](#)
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. \(1993 August 13, 1994 August 14, 1997 October 3, 2002 May 3, 2003 July 14, 2004 August 24, 2005 January 17, 2006 July 31, 2007 April 27, 2009 June 22, 2010 June 17, 2011 November 14, 2013 June 4, 2015 June 16, 2016 July 8, 2017 June 15, 2018 November 10, and 2019 July 18\). Salt Lake City, Utah. 40.844155° latitude, -111.955958° longitude, eye alt 10822 ft. Retrieved August 27, 2020, from <http://www.earth.google.com>.](#)

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: *N/A.*

USFWS NWI maps: *N/A.*

USGS topographic maps: *N/A.*



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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	AAL (27 May 1948). Name: AAL_11V-39 Project 1958 AAL. Salt Lake City, Utah 40.84381° latitude, -111.95604° longitude. Retrieved on August 27, 2020, from https://geodata.geology.utah.gov/imagery/ .
Other Issues	N/A.

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

C. Additional comments to support AJD: The nearest potential (a)(1), (a)(2) or (a)(3) water is the Jordan River, located 0.25 mile east of the non-adjacent wetlands. The intervening area between the Jordan River and the non-adjacent wetlands is upland. Furthermore, due to the topography, the non-adjacent wetland does not have a hydrologic connection to the Jordan River.