



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):

ORM Number: SPK-2007-01488

Associated JDs: November 1, 2011 Preliminary Jurisdictional Determination

Review Area Location¹:

State/Territory: UT City: Heber City County/Parish/Borough: Wasatch County

Center Coordinates of Review Area: Latitude 40.555082 Longitude -111.426947

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 or describe rationale.
- 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).

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

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

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

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

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

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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 independent 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.12 acre	(b)(1) Non-adjacent wetland	This wetland meets the definition of (c)(16); however, it does not abut, nor does it inundated by flooding from, an (a)(1)-(a)(3) water in a typical year, and is physically separated from an (a)(1)-(a)(3) water by a natural upland barrier. Furthermore, there is no hydrologic surface water connection between this 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 Amendment North Field Parcel (a.k.a. Rivers Edge)*, dated November 23, 2020.
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) Ground photos: Figures C1, C2, *Aquatic Resource Delineation Report Amendment North Field Parcel (a.k.a. Rivers Edge)*, dated November 23, 2020.

2) Aerial imagery: Google Earth imagery (July 18, 2019; June 22, 2017; June 4, 2013). Heber City, Utah. Latitude 40.55082 N, Longitude -111.42695 W, eye alt 7023 feet. Retrieved January 6, 2021 from <http://www.earth.google.com>.

Worldview. (May 6, 2019; August 16, 2019). Pan Sharpened Natural Color. 1142a0eafcf4f7c4fe011cd9495eb6be and 820c1f304fbf48ea10d0fd335625c000, respectively. Orthorectified. Heber City, Utah, USA: DigitalGlobe, Inc.

Corps Site visit(s) conducted on: *N/A*.

Previous Jurisdictional Determinations (AJDs or PJDs): *SPK-2007-01488 PJD*, dated November 1, 2011.

Antecedent Precipitation Tool: *N/A*.

USDA NRCS Soil Survey: *N/A*.

USFWS NWI maps: *National Wetland Inventory & National Hydrography Dataset (Figure A-1, Aquatic Resource Delineation Report Amendment North Field Parcel (a.k.a. Rivers Edge)*, dated November 23, 2020.

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___ USGS topographic maps: N/A.

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 Sources	N/A.

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

C. Additional comments to support AJD: Wetland W01 is located within a depressional swale that appears to be a relic stream channel. This wetland may temporarily hold precipitation and may intercept high ground water for short durations. This feature is surrounded by uplands to the east and west and is disconnected to the nearest irrigation ditch approximately 350 linear feet due west. The wetland does not have any downstream connectivity to jurisdictional waters and shows no signs of drainage away from the project area. Rock Creek, the nearest (a)(1)-(a)(3) water, and adjacent wetlands are approximately 970 feet west of Wetland W01.

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