



**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): [January 5, 2021](#).

ORM Number: [SPK-2020-00598](#).

Associated JDs: [SPK-2012-00645](#).

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

Center Coordinates of Review Area: Latitude [41.215177](#). Longitude [-112.01664](#).

**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. acres | 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. 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)): <sup>4</sup> |                |                              |   |
|--|----------------|------------------------------|---|
| Exclusion Name                                   | Exclusion Size | Exclusion <sup>5</sup>       | Rationale for Exclusion Determination   |
| W-1  | 2.484 acres    | (b)(1) Non-adjacent wetland. | This wetland is located in a concave area between intersecting railway berms. The railway berms extend in a southward direction and bifurcate eastward bordering an upland area. A review of historical aerial photographs indicates that |

<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   |
|  |                |       |                              | <p>the railroad was constructed prior to 1958. The hydrology source for this wetland is a combination of stormwater runoff and groundwater. The area is ponded by water supplied by diffuse stormwater runoff that enters the site from the adjacent industrial properties that support large areas of impervious surfaces. This wetland meets the definition of paragraph (c)(16); however, it does not abut, nor is it inundated by flooding from, an (a)(1) – (a)(3) water in a typical year, nor is it physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between the wetland and an (a)(1) – (a)(3) water.</p>  |
| W-2  | 0.097          | acres | (b)(1) Non-adjacent wetland. | <p>This wetland is located adjacent to the railroad berm at the south end of the project area. The hydrology source for this wetland is ground water in addition to stormwater that originates from the stormwater control features constructed nearby in Midland Drive. Both stormwater runoff and groundwater are conveyed into this stormwater feature that discharges into the southern limit of the wetland area, between railroad track and the storage areas of the adjacent industrial property. This wetland meets the definition of paragraph (c)(16); however, it does not abut, nor is it inundated by flooding from, an (a)(1) – (a)(3) water in a typical year, nor is it physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between the wetland and an (a)(1) – (a)(3) water.</p> |



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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: [Aquatic Resources Delineation 24<sup>th</sup> Street Interchange, UDOT Project S-115-8\(158\)343 UDOT PIN 15683 Weber County, Utah prepared by Wetland Resources dated May 2020.](#)

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. \(30 November 1997, 27 July 2002, 18 August 2003, 31 August 2003, 24 August 2004, 3 December 2004, 3 February 2005, 26 February 2005, 27 February 2005, 17 April 2005, 25 May 2006, 31 July 2006, 12 July 2006, 31 December 2005, 6 November 2007, 22 June 2009, 17 June 2010, 14 September 2011, 4 June 2013, 16 June 2015, 8 July 2016, 17 June 2017, 10 September 2018, 18 June 2019, 15 May 2020\) Weber County, Utah 41.215177 -112.01664, eye alt 2251 ft. Retrieved January 5, 2021 from <http://www.earth.google.com>  
\[Historic Aerials by NETRonline. Topo Maps. T1956, T1965, T1971, T1978, T1990, T2001, T2014, T2017. Aerials 1958, 1965, 1966, 1971, 1978, 1980, 1981, 1997, 2004, 2006, 2009, 2011, 2014, 2016. Retrieved January 5, 2021 from <https://www.historicaerials.com/viewer>.\]\(#\)](#)

Corps site visit(s) conducted on: [N/A.](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [SPK-2012-00645. Preliminary JD requested by Ogden City for a 326 acre site located in Ogden City for the I-15 24<sup>th</sup> Street Interchange site. The PJD identified 2.74 acres of wetlands and 59.73 acres of other water bodies present within the 326 acre site regulated under Section 404 of the Clean Water Act. A new SPK number was assigned to the new request since the current study area encompasses a much smaller area than the study area evaluated in 2012 and the request is by a different entity.](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [N/A.](#)

USFWS NWI maps: [N/A.](#)

USGS topographic maps: [Roy Quadrangle, 7.5 Minute Series Retrieved on January 4, 2021 from <https://ngmdb.usgs.gov/topoview/viewer/#4/39.98/-100.02>.](#)

**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="#">N/A.</a>                            |
| <a href="#">USDA Sources</a>               | <a href="#">N/A.</a>                            |
| <a href="#">NOAA Sources</a>               | <a href="#">N/A.</a>                            |
| <a href="#">USACE Sources</a>              | <a href="#">N/A.</a>                            |
| <a href="#">State/Local/Tribal Sources</a> | <a href="#">N/A.</a>                            |
| <a href="#">Other Issues</a>               | <a href="#">N/A.</a>                            |



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- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was used to give context to this site based on the inspection date of May 4, 2020 (Consultant's site inspection). The site inspection was done during the dry season. The APT indicates that during the site inspection, the project area was experiencing drier than normal conditions and the drought index PDSI was indicating a moderate drought. Google Earth aerial photography, including records from typically wet periods (April 2005) did not reveal the presence of surface water. The ATP indicates that during April of 2005 the project area was experiencing normal conditions and the drought index PDSI was indicating moderate wetness. Based on the information documented in the aerial photographs and the APT, the site conditions observed in 2005 are reflective of a typical year.
- C. Additional comments to support AJD:** The wetland areas are located in topographically lower areas that temporarily hold stormwater runoff and intercept high ground water for short durations. There is no hydrologic surface water connection between the wetland areas and a (a)(1), (a)(2) or (a)(3) water. The closest (a)(1), (a)(2) or (a)(3) water is the Weber river which is located approximately 1.32 miles east of the study area.