



**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): [12/30/2020](#).

ORM Number: [SPK-2020-00781](#).

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

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

Center Coordinates of Review Area: Latitude [38.55303](#). Longitude [-109.5193](#).

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: [No waters have been identified on the site. Desktop analysis was performed with best available data to determine there are no waters above Pack Creek.](#)
- 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
N/A.	N/A. acres	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
N/A.	N/A. acres	N/A.	N/A.

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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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: [Programmatic General Permit Application, dated October 5, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#).

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other. Programmatic General Permit 10 Application, October 5, 2020: Page 6, photo of upland bank where proposed bioswale will be constructed](#)

[GoogleEarth 7.3.3.7692 \(August 24, 2019\). Moab, Utah. Latitude 38.55303 N, Longitude -109.519298 W, eye alt 4815 ft. Retrieved December 29, 2020, from <http://www.earth.google.com>](#)

[GoogleEarth 7.3.3.7692 \(July 27, 2019\). Moab, Utah. Latitude 38.55303 N, Longitude -109.519298 W, eye alt 4815 ft. Retrieved December 29, 2020, from <http://www.earth.google.com>](#)

[Worldview \(April 18, 2020\). Multiple mosaic product. 8a43cc8dba8e01b88d5517d03d530fbf. Orthorectified. Moab, Utah, USA: DigitalGlobe, Inc.](#)

[Worldview \(February 2, 2020\). Pan Sharpened Natural Color. a3a58ad3444b075690932c14bbde5192. Orthorectified. Moab, Utah, USA: DigitalGlobe, Inc.](#)

Corps site visit(s) conducted on: [Date\(s\)](#).

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).

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

USDA NRCS Soil Survey: <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx> Retrieved December 29, 2020.

USFWS NWI maps: USFWS. (n.d.) National Wetlands Inventory. Project title and area: National Wetlands Inventory - Pack Creek Swale. Source imagery date: August 24, 2019. Washington, D.C.: U.S. Fish and Wildlife Service, Dept. of the Interior. Retrieved December 29, 2020, from Wetlands Mapper: <https://www.fws.gov/wetlands/data/mapper.html>.

USGS topographic maps: USGS Topographic Map; Moab, Utah. 1:18,056 scale. 2020. U.S. Dept. of the Interior. Retrieved from <https://ngmdb.usgs.gov/topoview/viewer/#15/38.5533/-109.5198>.

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.



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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: The only information provided by the applicant was his October 5, 2020 PGP 10 application. Aerial imagery on four unique dates from Google Earth and Digital Globe did not contain aerial signatures that would indicate the presence of wetlands or other waters of the United States. Supplemental information from the NRCS Web Soil Survey, National Wetlands Inventory, and USGS Topographic maps show no signs of waters within the study area.