



**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 27, 2021](#).

ORM Number: [SPK-2020-00624](#).

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

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

Center Coordinates of Review Area: Latitude [40.753044](#). Longitude [-112.047665](#).

**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: [The Riverbend project area encompasses approximately 64.06 acres. The Project Area consists of undeveloped rangeland that is situated along the pre-historic shoreline of the Great Salt Lake, located approximately 3 miles southwest of U.S. Interstate Highway 80 \(I-80\) and the Salt Lake City International Airport. The majority of the Project Area consists of unirrigated, semi-arid rangeland that is currently being utilized for livestock grazing. There are no natural sources of water on the property. Water must be imported on to the site for livestock watering. The Project Area is comprised of higher upland lake terraces. There are no streams, rivers, lakes, ponds or man-made storm drains or canals within the Project Area boundaries. Frontier installed a total of 38 shallow groundwater monitoring wells within the Project Area to monitor site hydrology. The wells were allowed to equilibrate and weekly monitoring inspections were conducted between March 16 and June 5, 2020 to record depth-to-groundwater measurements and/or surface water ponding measurements. None of the monitoring wells had a high water table within 12 inches of the soil surface for fourteen consecutive days. The higher and drier upland lake terraces have much greater plant cover and species diversity compared to the vegetation growing on the pre-historic lake bottom. This indicates that salinity is the factor controlling plant species composition and percent cover in the low-lying playa-like areas, and not prolonged periods of surface water ponding or soil saturation. If there was a greater amount of hydrology in the low-lying fingers, these areas would be expected to have a greater amount of plant cover and species diversity. Thus, the presence of iodine bush and saltgrass is indicative of a halophytic \(salt tolerant\) plant community rather than a hydrophytic \(water tolerant\) community. No indicators of hydrology were observed at any of the sample points and the well monitoring results indicate that all sample points lack a high water table. Thus, the relic redox features do not meet the wetland hydric soil criteria. The Project Area has no land uses that have a significant nexus to interstate or foreign commerce. It is undeveloped rangeland that is used for unimproved livestock grazing.](#)
- 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).

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.



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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)<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
N/A.	N/A. acres	N/A.	N/A.

<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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**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 for the Riverbend KUC Property prepared by Frontier Corporation USA dated July 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

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

Photographs: [Aerial: GoogleEarth 7.3.3.7692. \(31 March 2020\). Salt Lake County, Utah 40.753044 - 112.047665, eye alt 7513 ft. Retrieved January 21, 2021 from http://www.earth.google.com.](#)

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: .

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
<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>

**B. Typical year assessment(s):** [The months of March and April, when the monitoring wells were allowed to equilibrate and weekly monitoring inspections were conducted, were in the wet season. The months of March, April and June were all experiencing normal conditions.](#)

**C. Additional comments to support AJD:** [N/A.](#)