



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): February 3, 2021

ORM Number: SPK-2020-00790

Associated JDs: N/A.

Review Area Location¹:

State/Territory: UT City: Brigham City County/Parish/Borough: Box Elder County

Center Coordinates of Review Area: Latitude 41.533543 Longitude -112.020297

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

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 and 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
Irrigation Ditch A	1,498 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)	This ditch is a constructed channel used to convey water for agriculture. Based on historic aerial imagery it was constructed between 1986 and 1993. It is not a relocated tributary and was not constructed in a tributary.
Irrigation Ditch B	568 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)	This ditch is a constructed channel used to convey water for agriculture. Based on historic aerial imagery it was constructed between 1986 and 1993. It is not a relocated tributary and was not constructed in a tributary.
Irrigation Ditch C	105 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)	This ditch is a constructed channel used to convey water for agriculture. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.
Wetland 1	0.13 acres	(b)(1) Non-adjacent wetland	These wetlands meets the definition of paragraph (c)(16); however, they do not abut, nor are they inundated by flooding from, an (a)(1) – (a)(3) water (The Black Slough) in a typical year, nor are they physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between these wetlands and a paragraph (a)(1) – (a)(3) water in a typical year.
Wetland 2	0.24 acres	(b)(1) Non-adjacent wetland	These wetlands meets the definition of paragraph (c)(16); however, they do not abut, nor are they inundated by flooding from, an (a)(1) – (a)(3) water in a typical year (The Black Slough), nor are they physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between these wetlands and a paragraph (a)(1) – (a)(3) water in a typical year.
Wetland 3	0.12 acres	(b)(1) Non-adjacent wetland	These wetlands meets the definition of paragraph (c)(16); however, they do not abut, nor are they inundated by flooding from, an (a)(1) – (a)(3) water in a typical year (The Black Slough), nor are they physically separated from an (a)(1) – (a)(3) water by a natural or artificial barrier. Furthermore, there is no hydrologic surface water connection between these wetlands 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.

X Information submitted by, or on behalf of, the applicant/consultant: *Aquatic Resources*

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Delineation Report prepared by Kagel Environmental, LLC on August 28, 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. (1993 September 8, 1997 July 15, 2002 July 27). Brigham City, Utah. 41.533543° latitude, -112.020297° longitude, eye alt 6228 ft. Retrieved January 26, 2021, from <http://www.earth.google.com>. USGS. 1986 September 1. Black and white aerial photograph AR1VFKSC0020017. EarthExplorer, U.S. Geological Survey.*

___ 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: *Title(s) and/or date(s).*

___ USFWS NWI maps: *Title(s) and/or date(s).*

___ USGS topographic maps: *Title(s) and/or date(s).*

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: The site is predominantly pasture that has been historically irrigated. This year, the irrigation was successfully kept off most of the site and some of the extant irrigation ditches were cleaned reducing the amount of hydrology available to plant species. Three ditches onsite totaling 2,171 feet have been abandoned. There are also several active irrigation ditches immediately adjacent to, but not actually on the site. These ditches appear through uplands. There are no other apparent sources of hydrology on the site, i.e., springs or seeps. Hydrology has been supplied artificially for decades. The wetlands on site are not adjacent to the nearest (a)(2) tributary (Black Slough). 09f

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