



**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 17, 2020](#).

ORM Number: [SPK-2009-00685](#).

Associated JDs: [SPK-2009-00685 August 9, 2012 AJD](#).

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

Center Coordinates of Review Area: Latitude [40.7211](#). Longitude [-114.0346](#).

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).

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
W-1 W-2 W-3 W-4a W-4b	2.722 1.651 0.399 4.987 0.621 acres	(b)(1) Non-adjacent wetland.	The subject waters are located on both the Nevada side (W-1) and Utah side (W-2, W-3, W-4a and W-4b) of the Utah-Nevada border and are part of a larger playa complex that has no drainage to any other aquatic features or waters of the

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				United States. No breaks or culverts could be identified on aerial photographs and the applicant's consultant did not identify any hydrologic connections to any (a)(1)-(a)(3) waters.

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: [Wetland Resources, Inc. "Wetland and Waters of the U.S. Delineation, Wendover Airport Runway 12/30 Rehabilitation", December 21, 2018.](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A.](#)
- Data sheets prepared by the Corps: [N/A.](#)
- Photographs: [Aerial: Google Earth 7.3.3.7692. \(1993, September 2; 2011, September 14; 2019, May 11\). Wendover, Utah. Latitude 40.7211, Longitude -114.0346, eye alt 10,200 ft. Retrieved February 10, 2021, from http://www.earth.google.com..](#)
- Corps site visit(s) conducted on: [N/A.](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SPK-2009-00685 August 9, 2012 AJD.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [N/A.](#)
- USFWS NWI maps: [N/A.](#)
- 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 Issues	N/A.

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



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C. Additional comments to support AJD: From the project area to the Great Salt Lake is approximately 50 aerial miles with only a 3-foot drop (about a .0012% gradient), making flows from on site to the Great Salt Lake impossible. This is also due to a 1'-3' berm surrounding the evaporation pond to the east, as well as roads, runways and a railroad to the north, acting as manmade barriers. There are also no defined channels from the playas to the north, east or south. The playas are also cut off from the Great Salt Lake by Interstate 80. Based on the above information, exclusion (b)(1) applies to these wetlands..