



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): March 1, 2021  
ORM Number: SPK-2020-00766  
Associated JDs: N/A  
Review Area Location<sup>1</sup>: Along I-15 corridor, between south of 2300 North and 100 South.  
State/Territory: UT City: Salt Lake City County/Parish/Borough: Salt Lake County  
Center Coordinates of Review Area: Latitude 40.80318 Longitude -111.92384

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
N/A	N/A	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	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

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<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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**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
D-1a	1045 feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	A search of historic aerials revealed that the open-water ditch (0.46 acre) was constructed in the 1950's and is currently managed by Salt Lake County Department of Public Utilities (SLCDPU) as part of the storm drain system. Up-gradient, the ditch is connected to railroad and roadway culverts to convey stormwater runoff from the urban area to the nearby Oil Drain. The stormwater ditch was constructed or excavated in upland or in non-jurisdictional waters to convey, treat, or store stormwater run-off; therefore, exclusion (b)(10) applies.
D-1b	53 feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	A search of historic aerials revealed that the open-water ditch (0.02 acre) was constructed in the 1950's and is currently managed by SLCDPU as part of the storm drain system. Up-gradient, the ditch is connected to railroad and roadway culverts to convey stormwater runoff from the urban area to the nearby Oil Drain. The stormwater ditch was constructed or excavated in upland or in non-jurisdictional waters to convey, treat, or store stormwater run-off; therefore, exclusion (b)(10) applies.
D-Ditch/Drainage	3,464 feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	A search of historic aerials revealed that the stormwater channels (2.62 acre in total) were constructed in the 1950's and 60's and are currently managed by SLCDPU as part of the storm drain system. Up-gradient, the system connects to open water ditches D-1a and D-1b, the Oil Drain, the Sewage Canal, and Farmington Bay. The system was constructed for urban area stormwater conveyance. The stormwater ditch drainage features were constructed or excavated in upland or in non-jurisdictional waters to convey, treat, or store stormwater run-off; therefore, exclusion (b)(10) applies.
OW-1	0.05 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	A search of historic aerials revealed that this open water feature was excavated in upland in the 1950's at the time the railway was being constructed. Therefore, the open water feature is artificial, excavated in uplands, and does not meet the conditions of paragraph (c)(6). The open water feature meets the (b)(8) exclusion.
OW-2	0.01 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	A search of historic aerials revealed that this open water feature was excavated in upland in the 1950's at the time the railway was being constructed. Therefore, the open water feature is artificial, excavated in uplands, and does not meet the conditions of paragraph (c)(6). The open water feature meets the (b)(8) exclusion.
W-1	0.05 acres	(b)(1) Non-adjacent wetland	Depressional palustrine wetland. Supporting hydrology

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			for this wetland is from a shallow water table and localized precipitation. This wetland is surrounded by uplands and no hydrologic surface connections were identified during the consultant's field observations and a review of subsurface stormwater drainage features. 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 direct surface hydrologic connection between this wetland and an (a)(1) – (a)(3) water.
W-2	0.07 acres	(b)(1) Non-adjacent wetland	Depressional palustrine wetland. Supporting hydrology for this wetland is from a shallow water table and localized precipitation. This wetland is surrounded by uplands and no hydrologic surface connections were identified during the consultant's field observations and a review of subsurface stormwater drainage features. 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 direct surface hydrologic connection between this wetland and an (a)(1) – (a)(3) water.
W-3	0.4 acres	(b)(1) Non-adjacent wetland	Drainage palustrine wetlands. This wetland is located in segments of constructed stormwater channels between Warm Springs Road and railroad tracks and managed by SLCDPU. The source of hydrology for this wetland is stormwater drainage and groundwater. Stormwater runoff from the urban area is conveyed through these channels via a series of culverts and eventually discharge into the Oil Drain, the Sewage Canal, and Farmington Bay. This wetland is directly abutting open water feature OW-1; however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since OW-1 is an excluded feature pursuant to (b)(8), see open water feature OW-1. 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 direct surface hydrologic connection between this wetland and an (a)(1) – (a)(3) water.
W-4a	0.02 acres	(b)(1) Non-adjacent wetland	Drainage palustrine wetlands. This wetland is located in segments of constructed stormwater channels that convey flows to a pipe under I-15 and into open-water ditch D-1a on the west side of I-15. The storm water channel is managed by SLCPU. The source of hydrology for this wetland is stormwater drainage and groundwater. Stormwater runoff from the urban area is conveyed through these channels via a series of

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			culverts and eventually discharge into the Oil Drain, the Sewage Canal, and Farmington Bay. This wetland is directly abutting the stormwater system; however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since the stormwater system is an excluded feature pursuant to (b)(10), see D-Ditch/Drainage. 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 direct surface hydrologic connection between this wetland and an (a)(1) – (a)(3) water.
W-4b	0.17 acres	(b)(1) Non-adjacent wetland	Drainage palustrine wetlands. This wetland is located in segments of constructed stormwater channels that convey flows to a pipe under I-15 and into open-water ditch D-1a on the west side of I-15. The storm water channel is managed by SLCPU. The source of hydrology for this wetland is stormwater drainage and groundwater. Stormwater runoff from the urban area is conveyed through these channels via a series of culverts and eventually discharge into the Oil Drain, the Sewage Canal, and Farmington Bay. This wetland is directly abutting the stormwater system; however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since the stormwater system is an excluded feature pursuant to (b)(10), see D-Ditch/Drainage. 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 direct surface hydrologic connection between this wetland and an (a)(1) – (a)(3) water.
W-5a	0.27 acres	(b)(1) Non-adjacent wetland	Drainage palustrine wetlands. This wetland is located in segments of constructed stormwater channels between Warm Springs Road and railroad tracks and managed by SLCPU. The source of hydrology for this wetland is stormwater drainage and groundwater. Stormwater runoff from the urban area is conveyed through these channels via a series of culverts and eventually discharge into the Oil Drain, the Sewage Canal, and Farmington Bay. This wetland is directly abutting the stormwater system; however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since the stormwater system is an excluded feature pursuant to (b)(10), see D-Ditch/Drainage. 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

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			artificial barrier. Furthermore, there is no direct surface hydrologic connection between this wetland and an (a)(1) – (a)(3) water.
W-5b	1.76 acres	(b)(1) Non-adjacent wetland	Drainage palustrine wetlands. This wetland is located in segments of constructed stormwater channels between Warm Springs Road and railroad tracks and managed by SLCPU. The source of hydrology for this wetland is stormwater drainage and groundwater. Stormwater runoff from the urban area is conveyed through these channels via a series of culverts and eventually discharge into the Oil Drain, the Sewage Canal, and Farmington Bay. This wetland is directly abutting the stormwater system; however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since the stormwater system is an excluded feature pursuant to (b)(10), see D-Ditch/Drainage. 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 direct surface hydrologic connection between this wetland and an (a)(1) – (a)(3) water.
W-6	0.28 acres	(b)(1) Non-adjacent wetland	<p>Depressional palustrine wetland. This wetland is bisected by ditch D-1a which provides a hydrological surface connection from a water basin that is located on the northwestern portion of the survey area. This wetland flows into the ditch D-1a which provides a surface water connection from the water basin to the north to the Oil Drain, the Sewage Canal, and Farmington Bay.</p> <p>This wetland is directly abutting a stormwater ditch; however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since the ditch is associated with a stormwater system that is an excluded feature pursuant to (b)(10), see Ditch D-1a.</p> <p>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 direct surface hydrologic connection between this wetland and an (a)(1) – (a)(3) water.</p>
W-7	0.4 acres	(b)(1) Non-adjacent wetland	Depressional palustrine wetland. This wetland is bisected by ditch D-1a which provides a hydrological surface connection from a water basin that is located on the northwestern portion of the survey area. This wetland flows into the ditch D-1a which provides a surface water connection from the water basin to the north to the Oil Drain, the Sewage Canal, and Farmington Bay. This wetland is directly abutting a

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			stormwater ditch; however, the wetland does not meet the conditions of paragraph (a)(4) for adjacency since the ditch is associated with a stormwater system that is an excluded feature pursuant to (b)(10), see Ditch D-1a. 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 direct surface hydrologic connection between this wetland and an (a)(1) – (a)(3) water.
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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: *1800 North Sewer Realignment Project – Salt Lake City Department of Public Utilities*, dated August 2020 prepared by HDR, Inc.
- 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 December 1985, 13 August 1993, 3 October 1997, 5 March 2002, 31 August 2003, 24 August 2004, 23 June 2005, 31 December 2005, 31 July 2006, 27 August 2007, 22 June 2009, 17 June 2010, 14 September 2011, 30 December 2013, 15 June 2015, 18 June 2016, 25 September 2016, 14 February 2017, 20 April 2018, 22 February 2020), eye alt 2137. Retrieved March 1, 2021. Latitude 40.80318 Longitude -111.92384.

Historic Aerials by NETRonline. Topo Maps. T1950, T1958, T1962, T1965, T1971, T1977, T1980, T1981, T1993, T1997, T2004, T2006, T2009, T2011, T2014, T2016. Retrieved March 1, 2021 from <https://www.historicaerials.com/viewer>. Latitude 40.80318 Longitude -111.92384.

\_\_\_\_ Corps Site visit(s) conducted on: *N/A*

\_\_\_\_ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

\_\_\_\_ Antecedent Precipitation Tool: *See Section IIIB below.*

\_\_\_\_ 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.

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State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was used to give context to this site based on the inspection date of: April 17, 2020 (consultant's site inspection). The APT indicates during the site inspection the project area was experiencing normal conditions and the drought index PDSI was indicating a mild drought. Google Earth aerial photography, including records from typically wet periods (March 2002, February 2017, April 2018, and February 2020) did not reveal the presence of surface water. Therefore, based on the information documented in these aerial photographs and the APT, the site conditions are reflective of a typical year.
- C. Additional comments to support AJD:** The nearest potential (a)(2) water is the Jordan River, located approximately 1 mile west of the study area. The intervening area between the Jordan River and the study area is upland. Furthermore, due to the topography, the non-adjacent wetland does not have a direct surface hydrologic connection to the Jordan River.

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