



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): April 1, 2021

ORM Number: SPK-2021-00103

Associated JDs: SPK-2016-00241-UO verified on January 4, 2017. See notes below for additional information.

Review Area Location<sup>1</sup>: 7200 West to 8000 West following the existing 700 North road alignment  
State/Territory: UT City: County/Parish/Borough: Salt Lake County  
Center Coordinates of Review Area: Latitude 40.78347 Longitude -112.071815

**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

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

<sup>2</sup> 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.

<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 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.

<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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N/A	N/A	N/A	N/A
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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
Ditch 1	5,206 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)	A search of aerial imagery revealed that this ditch did not relocate a tributary or was constructed in a tributary or constructed in adjacent wetlands. Therefore, since the ditch is not a tributary under (a)(2), exclusion (b)(5) applies.

**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: *NWQ 700 North Road Widening Project Aquatic Resources and Waters of the U.S. Delineation Technical Report dated December 2020 prepared by Frontier Corporation USA.*

This information is sufficient for purposes of this AJD.

Data sheets prepared by the Corps: *N/A*

Photographs: Aerials, GoogleEarth 7.3.3.7692. (December 30, 1985, July 15, 1997, September 30, 1997, 3 May 2002, July 14, 2003, August 18, 2003, August 24, 2004, January 17, 2005, July 3, 2005, July 31, 2006, December 31, 2005, December 30, 2006, December 30, 2008, June 17, 2010, December 30, 2010, June 4, 2013, June 15, 2016, July 8, 2016, June 17, 2017, September 10, 2018, July 18, 2019, May 31, 2020) Salt Lake County, Utah. Latitude 40.795207°, Longitude: -112.051694°, eye alt 9549 ft. Retrieved April 1, 2021, from <http://www.earth.google.com>

Historic Aerials by NETRonline. Aerials 1950, 1959, 1965, 1971, 1977, 1997, 2004, 2006, 2009, 2011, 2014, 2016. Retrieved April 1, 2021 from <https://www.historicaerials.com/viewer>

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

Previous Jurisdictional Determinations (AJDs or PJDs): The Corps verified an approved jurisdictional determination for the Kennecott Utah Company (KUC), North Pointe Ranch Delineation under SPK-2016-00241-UO on January 4, 2017 that identified approximately 442.01 acres of wetland, 53.41 acres of playa, 116.51 acres of ponded water, and 88,380 linear feet of channels present within the KUC property.

The current survey area is the future site of a 160-foot wide Right-of-Way (ROW) for the widening of 700 North. The aquatic resource report for this verification makes reference to approximately 0.346 acre of jurisdictional wetlands that were verified under SPK-2016-00241 which are located within the new road ROW. These jurisdictional wetlands are currently being

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evaluated for discharge of fill material under a nationwide permit 14 for linear transportation projects under a NWP action for SPK-2021-00103.

- \_\_\_ Antecedent Precipitation Tool: N/A
- \_\_\_ 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 Sources	N/A.

**B. Typical year assessment(s):** N/A

**C. Additional comments to support AJD:** A review of historic satellite images revealed that the ditch was constructed prior to 1950. The majority of the ditch is overgrown with *Phragmites australis*. The KUC property located north of the project site has been retired from flood irrigation and the ditch has been reduced to stormwater conveyance. The ditch drains from east to west inside the project area and runs along the north side of the existing 700 North gravel roadway. The ditch exits the project area and drains north along 8000 West and empties into the North Point Canal approximately 1.5 miles north west and eventually drains into the Great Salt Lake. Although the ditch contributes surface water flow into a jurisdictional water, the aerial review revealed that the ditch does not relocate a tributary, was not constructed in a tributary, and was not constructed in an adjacent wetland. therefore, since the ditch is not a tributary under (a)(2), this feature can be excluded under (b)(5). The only wetlands present in the project area are those that were previously delineated for the KUC property.

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