



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 12, 2021

ORM Number: SPK-2021-00140

Associated JDs: N/A

Review Area Location¹: 2029 North 2000 West

State/Territory: UT City: Clinton County/Parish/Borough: Davis County

Center Coordinates of Review Area: Latitude 41.143271 Longitude -112.065159

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
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

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
PEW	0.054 acres	(b)(1) Non-adjacent wetland	The palustrine emergent wetland is situated in the east-central portion of the survey area. The wetland branched into two segments following small flowing drainages that conveyed water that was slowly draining from a partially buried but uncapped artesian well located on the southeast portion of the study area. 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 hydrologic surface water connection between the wetland and an (a)(1) – (a)(3) water. Therefore, this wetland is not a water of the U.S. regulated under Section 404 of the Clean Water Act.

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: *2000 West (SR-108) Highway Improvements Aquatic Resources Report, Clinton, Davis County, Utah* dated February 2021 prepared by Bio-West
This information is sufficient for purposes of this AJD.
Rationale: N/A

_____ Data sheets prepared by the Corps: N/A

Photographs: *Aerial Photographs - GoogleEarth 7.3.3.7692*. (December 30, 1985, July 15, 1997, September 30, 1997, August 18, 2003, August 24, 2004, April 17, 2005, July 31, 2006, December 31, 2005, July 22, 2009, September 14, 2011, June 4, 2013, June 16, 2015, July 8, 2016, June 17, 2017, September 10, 2018, July 18, 2019, May 31, 2020) , eye alt 494 ft. Retrieved April 12, 2021 from <http://www.earth.google.com>.

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

_____ Previous Jurisdictional Determinations (AJDs or PJDs): N/A

_____ 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
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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: Utah Department of Transportation is planning to improve a portion of 2000 West (SR-108) located in Clinton, Davis County, Utah. The improvement on SR-108 is to expand it to a 5-line cross section from 300 North in West Point and 1800 North in Clinton (1.3 miles). The majority of the project corridor consists of developed areas and upland fields with the exception of the subject 1.22-acre study area.

A human-made ditch lines the western portion of the study area and appeared to convey flows north from a retention basin located on the southwest corner outside of the study area into an old, half buried, grated, storm drain inflow pipe. The aquatic resources report indicates that the ditch was overgrown with weedy, upland plants, did not have any ordinary high-water mark indicators. A review of aerial photographs confirmed the ditch does not convey surface flows.

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