



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 29, 2021

ORM Number: SPK-2021-00159

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: UT City: Riverdale County/Parish/Borough: Weber County

Center Coordinates of Review Area: Latitude 41.198883 Longitude -111.99391

**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

<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 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.

<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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

**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
W1	0.24 acres	(b)(1) Non-adjacent wetland	W1 is situated along the west boundary at the center of the property extending to the southeast property line. W1 is supported by hydrology from high ground water and is contained in a depressed swale which was part of a historic oxbow of the Weber River. Photos included in the AR report show a significant difference in elevation between the swale and the adjacent upland areas. W1 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 W1 and an (a)(1) – (a)(3) water. Therefore, W1 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: *Purin Property Aquatic Resources Report dated January 2021 prepared by Bowen Collins & Associates.*  
This information *is* sufficient for purposes of this AJD.  
Rationale: *N/A*

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

Photographs: *Aerials, GoogleEarth 7.3.3.7692. (30 December 1985, 13 August 1993, 3 October 1997, 27 July 2002, 18 August 2003, 27 August 2004, 3 December 2004, 3 February 2005, 26 February 2005, 17 April 2005, 31 December 2005, 25 May 2006, 6 November 2007, 22 June 2009, 17 June 2010, 14 November 2011, 4 June 2013, 16 June 2015, 17 July 2017, 10 November 2018, 19 July 2019, and 15 May 2020). Weber County, Utah. Latitude: 41.198883, Longitude: -111.99391, eye alt 1847 ft. Retrieved April 23, 2021 from <http://www.earth.google.com>.*

*Historic Aerials Online: Aerial Photographs. 1958, 1965, 1971, 1978, 1980, 1981, 1993, 1997, 2004, 2006, 2009, 2011, 2014, and 2016. Retrieved April 23, 2021 from <https://www.historicaerials.com/viewer>.*

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.*

<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 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.

<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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

- \_\_\_ 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	Historic Aerials Online. Topo Maps. T1956, T1967, T1970, T1978, T1987, T1992, T2001, T2014, T2017. Retrieved April 23, 2021 from <a href="https://www.historicaerials.com/viewer">https://www.historicaerials.com/viewer</a> .

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was used to give context to this site based on the inspection dates of October 23, 2020 and January 29, 2021 (AR delineation site inspection). The APT indicates that during the site inspections the project area was experiencing drier than normal conditions and the drought index PDSI was indicating a severe draught during the October inspection and an extreme drought during the January inspection. Google Earth aerial photography from typically wet periods (26 February 2005, 17 April 2005, 25 May 2006, and 15 May 2020) did not reveal the presence of surface water from the Weber River within the project area. Based on the information documented in the APT and aerial photographs, the site conditions observed in 2005, 2006, and 2020 are reflective of a typical year.
- C. Additional comments to support AJD:** The Weber River is located approximately 610 linear feet east of the property boundary and a paved trail separates the river and the subject parcel. A review of aerial photographs revealed that the trail was constructed between September and December of 2004 and is part of the Weber River Greenbelt.

The review of historic aerial photograph and topographic maps confirmed that the Weber River meandered into the property prior to the 1960s. By 1965 the river had been rerouted to the current channel pattern and the area that meandered into the site became an oxbow lake which was filled between 1997 and 2004. The oxbow lake was separate from the Weber River by an artificial feature that prevented a direct surface water connection. Impoundments originally constructed in jurisdictional waters but that no longer contribute surface water flow in a typical year directly or indirectly to an (a)(1) water meet the requirements of the (b)(1) exclusion.

Impoundments of wetlands are jurisdictional as impoundments of jurisdictional waters if the wetlands being impounded first meet the definition of adjacent wetlands and then meet the conditions of the lakes, ponds, and impoundments of jurisdictional waters category. Since W1 located in a remnant

<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 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.

<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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

oxbow lake, the wetland was evaluated under the impoundment of jurisdictional waters category. No culverts or pipes connecting W1 to the Weber River were identified during the review for this AJD. W1 would not satisfy the definition of an adjacent wetland due to the lack of surface water connection to an (a)(1), (a)(2) or (a)(3) water; therefore, this wetland would not meet the definition of (a)(3) water for lakes, ponds and impoundments of jurisdictional waters.

<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 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.

<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.