



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): May 19, 2021

ORM Number: SPK-2020-00703

Associated JDs: SPK-2013-00873 verified on January 3, 2017 and SPK-2013-00873 verified on July 1, 2014.

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

State/Territory: UT City: Salt Lake City County/Parish/Borough: Salt Lake County

Center Coordinates of Review Area: Latitude 40.767358 Longitude -112.052443

**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: The study area encompasses approximately 57.06 acres and consists of undeveloped rangeland and saline flats that are situated along the prehistoric shoreline of the Great Salt Lake and the ancient Lake Bonneville located approximately 0.15 mile south of U.S. Interstate Highway 80 (I-80) and approximately 3 miles southwest of the Salt Lake City International Airport. The majority of the study area consists of unirrigated land currently being utilized for livestock grazing. There are no natural sources of water on the property. The closest water source is Brighton Drain which is located approximately 500 feet to the south, outside of the study area.

A total of 17 shallow monitoring wells were installed to monitor hydrology. The wells were allowed to equilibrate, and weekly monitoring inspections were conducted between March 9 and June 5, 2020 to record depth-to-groundwater measurements and/or surface water ponding measurements. Depth-to-groundwater generally ranged from 1.3 to 2.6 feet below the ground surface during the 14-week monitoring period. None of the monitoring wells had a high-water table within 12 inches of the soil surface for fourteen consecutive days, although there was a spike in groundwater depths the week of March 27, 2020 following a very large storm event. The data obtained from the monitoring wells indicates that the site does not meet the wetland hydrology criteria or the ordinary high-water mark for a playa.

A Corps review of aerial photographs and site inspection confirmed no hydrology signatures identified within the study area. Previous Approved Jurisdictional Determinations were conducted for the properties to the east and south of the study area under SPK-2013-00873 verified on January 3, 2017 and SPK-2013-00873 verified on July 1, 2014 which found the areas to be entirely uplands with no wetland hydrology present. Based on this information, it has been determined that the entire 57.06-acre review area is dryland.

- There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction

<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.



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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

**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
N/A	N/A	N/A	N/A

**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: Copper Crossing Land Company LLC Bettilyon Parcel – Approximately 57.06 acres dated August 2020 prepared by Frontier Corporation USA.

This information *is* sufficient for purposes of this AJD.

Rationale: N/A

Data sheets prepared by the Corps: N/A

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- Photographs: Corps Site Inspection Photolog Dated April 18, 2021.  
Aerials; GoogleEarth 7.3.3.7692. (December 30, 1985, September 30, 1997, May 3, 2002, July 14, 2003, August 24, 2004, July 3, 2005, July 31, 2006, December 31, 2005, June 22, 2009, June 17, 2010, September 14, 2011, December 30, 2012, June 16, 2015, July 8, 2016, July 15, 2017, September 10, 2018, July 18, 2019, May 31, 2020). Salt Lake County, Utah 40.767358 -112.052443, eye alt 7513 ft. Retrieved May 18, 2021 from <http://www.earth.google.com>
- Corps Site visit(s) conducted on April 13, 2021
- Previous Jurisdictional Determinations (AJDs or PJDs): SPK-2013-00873 verified on January 3, 2017 and SPK-2013-00873 verified on July 1, 2014.
- 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 Sources	N/A

- B. Typical year assessment(s):** N/A
- C. Additional comments to support AJD:** N/A

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