



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 17, 2021

ORM Number: SPK-2020-00774

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 40.570317 Longitude -111.914849

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
Wetland 1	4.19 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct	This wetland extends throughout most of the study area along the northeast side and the southeast and southwest areas. Historically, the project area received

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 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.

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.



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

		hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	year-round water from 3 reported springs in the immediate vicinity west of the Project; however, two of these 3 springs have been capped due to recent development. The Jordan River Parkway Train (JRPT) separates the wetland from the Jordan River. The JRPT is located a few feet higher than the general elevation of the wetland area. A review of aerial photographs did not reveal flooding from the Jordan River into this wetland. However, the wetland is connected to the Joran River via a PVC pipe that allows for the ponded water area in the north of the wetland area to drain excess water under the JRPT and into the Jordan River. The Jordan River is an (a)(2) tributary that drains directly into the Great Salt Lake, an (a)(1) water. Therefore, this wetland is jurisdictional per the Navigable Waters Protection Rule (NWPR).
--	--	---	--

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ditch	1,457 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)	The ditch is located on the south side of the study area and it ends at the southeast corner of the project boundary and into the adjacent parcel to the south. The JRPT bounds flows to the east. There is a culvert under the JRPT that could potentially discharge into the Jordan River, but it was not engaged during the consultant's site visit and the review of aerial photographs did not reveal evidence of active or recent discharge. The ditch is bound on the north and south by berms, with outlets to the south out of the berm at select locations. Historic aeriels show that the ditch was constructed prior to 1947 which is the oldest aerial photograph found during the review. This ditch did not relocate a tributary, was not constructed in a tributary or constructed in adjacent wetlands. Therefore, since the ditch is not a tributary under (a)(2), exclusion (b)(5) applies.
Wetland 2	1.33 acres	(b)(1) Non-adjacent wetland	This wetland is situated on the northern side of the study area and is supported by stormwater flow from offsite developments adjacent to the study area. This feature is a topographically low area that was excavated between 1997 and 2002 for a retention pond. Culverts draining stormwater from nearby infrastructure and impervious surfaces are directed to this area. The JRTP is located to the northeast corner and a berm/bank separates wetland 1 along the east and souths sides of wetland 2; therefore, there is no direct surface connection between this wetland and the Jordan River. The 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)

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 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.

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.



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

			– (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. Non-adjacent wetland and are non-jurisdictional per the NWPR.
--	--	--	---

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: *Mystic Spring – Educational Wetland Center Preliminary Delineation of Wetlands and Waters of the U.S.* dated July 2020 prepared by River Restoration. 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. (December 30, 1985, October 3, 1997, May 3, 2002, August 18, 2003, August 24, 2004, October 4, 2004, June 23, 2005, July 31, 2006, April 27, 2007, June 22, 2009, June 17, 2010, September 14, 2011, June 4, 2013, June 16, 2015, July 8, 2016, June 15, 2017, September 10, 2018, July 18, 2019, May 31, 2020). Salt Lake County, Utah 40.570317 -111.914849, eye alt 4262 ft. Retrieved May 3, 2021 from <http://www.earth.google.com>.
- Historic Aerials by NETRonline. Aerials 1947, 1962, 1977, 1981, and 1997. Retrieved May 3, 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.*
- 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

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 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.

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.



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

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was used to give context to this site based on the inspection date of May 8, 2020 (AR delineation site inspection). The APT indicates that during the site inspection, the project area was experiencing drier than normal conditions and the drought index PDSI was indicating a moderate draught. Google Earth aerial photography from typically wet periods (May 3, 2002 and April 27, 2007) did not reveal the presence of surface water from the Jordan River within the project area. Based on the information documented in the aerial photographs and the APT, the site conditions observed in 2002 and 2007 are reflective of a typical year.
- C. Additional comments to support AJD:** Recent disturbance was observed along the ditch during the consultant's site inspection, though no information regarding who owns, operates or maintains the ditch was able to be obtained for the documentation submitted for this AJD.

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 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.

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.