



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): July 14, 2021

ORM Number: SPK-2019-00345

Associated JDs: N/A

Review Area Location¹:

State/Territory: UT City: Springville County: Utah

Center Coordinates of Review Area: Latitude 40.12405 Longitude -111.63072

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
201900345-D	294 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The ditch within the property is part of the headwaters for the Canyon Crossing Creek. This ditch was constructed within a wetland to divert/collect flows when the adjacent road was constructed. This ditch was constructed between 1972 and 1980. Prior to the ditch there was a wetland that flowed to the northwest. Wetland 1 was part of this historic wetland but was disconnected when the ditch was constructed. Currently, this ditch flows to the west off the site through a culvert and eventually empties into Utah Lake an (a)(1) water, approximately 4.5 miles northwest.

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.



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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))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
201900345-W1 201900345-W2 201900345-W4 201900345-W5 201900345-W6	0.48 acres 0.06 acres 0.19 acres 0.04 acres 0.06 acres	(b)(1) Non-adjacent wetland	The five palustrine emergent wetlands are all separated from the nearest downslope (a)(2) water (Canyon Crossing Creek) by at least 2,500 feet of heavily disturbed land. Historically the review area has been a landfill that has been excavated, filled, and maintained for many years. The landfill was abandoned around 1980. These wetlands formed as a result of the landfill and manipulation of hydrology. These wetlands are dominated by <i>Phragmites australis</i> with a substrate of landfill material, such as concrete and asphalt. Each of these wetlands are depressional and hydrologically isolated. Therefore, they are classified as (b)(1) Non-adjacent wetlands.
201900345-W3 201900345-W7	0.22 acres 0.03 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Wetland 3 and 7 are small sections of a contiguous wetland that was formed and manipulated as a result of the landfill construction/maintenance. Currently, this wetland is utilized as a regional stormwater detention pond with the outfall located on the north end. The outfall for this pond is approximately 2-3 feet higher than the pond bottom elevation.

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: Supplement to Aquatic Resources Delineation Report for Expressway Park, Spanish Fork, Utah, prepared by Kagel Environmental, dated June 8, 2020.

This information is sufficient for purposes of this AJD.

Rationale: N/A

Data sheets prepared by the Corps: N/A

Photographs: GoogleEarth 7.3.3.7692. (1993 August 13, 1997, 2003 August 5, 2004 September 30, September 11, 2005 July 11, 2006 July 12, 2010 June 17, 2011 October 20, 2013 June 4, 2015 June 16, 2017 June 17, 2019 July 18, 2020 May 31). Spanish Fork, Utah.

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40.12405° latitude, -111.63072° longitude, eye alt 7486 ft. Retrieved June 22, 2021, from <http://www.earth.google.com>; Historic Aerials by NETRonline. Aerials. 1946, 1958, 1965, 1972, 1983, 1993, 1997, 2011, and 2016. Retrieved June 22, 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.

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

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