



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): 2 August 2021
 ORM Number: SPK-2005-50512-UO
 Associated JDs: SPK-2005-50512-UO verified on 22 November 2005.
 Review Area Location¹: 10000 South and 1000 West, adjacent to the Jordan River.
 State/Territory: UT City: Sandy County/Parish/Borough: Salt Lake County
 Center Coordinates of Review Area: Latitude 40.574062 Longitude -111.915995

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
Ditch	600 linear feet (0.06 acre)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The ditch carries water between an existing pond and the Jordan River and was constructed through an adjacent wetland. The pond was excavated in 2007 and is located outside the study area. The ditch crosses the Fishery Pond road via culvert extending west and discharges into the Jordan River, an (a)(2) water. The Aquatic Resources report indicates that the ditch is man-made; however, this linear feature meets the flow conditions of an (a)(2) water since it has perennial water flow in a typical year, it contributes surface flow to a jurisdictional water, and was constructed in an adjacent wetland. Therefore, this linear feature is

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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			jurisdictional under the Navigable Waters Protection Rule (NWPR) rule.
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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
W1	2.80 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetlands W1, W2, and W3 are located on the eastern side of the Fishery Pond road and located north and south of the ditch that carries water from the pond to the Jordan River. These wetlands have hydrophytic vegetation, hydric soils, and is hydrologically connected to the ditch that connects to the Jordan River, an (a)(2) water. These wetlands are considered jurisdictional under the NWPR rule.
W2	0.09 acres		
W3	0.09 acres		
W4	1.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland W 4 is located on the western side of the Fishery Pond road immediately abutting the Jordan River. This wetland has hydrophytic vegetation, hydric soils and is hydrologically connected to the ditch that connects to the Jordan River, an (a)(2) water. This wetland is considered jurisdictional under the NWPR rule.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	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: “Urban Fishery Delineation Report” prepared by Bowen Collins and Associates, Inc. on 26 July 2016.
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. (3 October 1997, 3 May 2002, 18 August 2003, 24 August 2004, 23 June 2005, 31 July 2006, 27 April 2007, 22 June 2009, 17 June 2010, 14 September 2011, 4 June 2013, 16 June 2015, 18 July 2016, 15 July 2017, 10 September 2018, 19 July 2019, 31 May 2020), Salt Lake County, Utah 40.574009 -111.916130, eye alt 2263 ft. Retrieved 2 August 2021 from <http://www.earth.google.com>.

Corps Site visit(s) conducted on: 3 June 2021

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- Previous Jurisdictional Determinations (AJDs or PJDs): Approved Jurisdictional Determination verified on 22 November 2005 for a 14-acre site. Approximately 0.35 acre of waters of the United States, including wetlands, were documented within the survey area. It is unclear whether the area delineated in 2005 overlapped any sections of the area delineated under the current review since the plans for the 2005 delineation are not available.
- 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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