



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): August 13, 2021  
ORM Number: SPK-2019-00374  
Associated JDs: SPK-1998-50207, SPK-1997-50114, SPK-2007-00676, and SPK-2020-00095  
Review Area Location<sup>1</sup>: Approximately 2900 South and 2400 West  
State/Territory: Utah City: Syracuse County/Parish/Borough: Davis County  
Center Coordinates of Review Area: Latitude 41.069168 Longitude -112.071229

**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.



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**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
Wetland EM-01	0.38 acres	(b)(1) Non-adjacent wetland	This wetland is located in the southeast quadrant of the study area and is contained in a depressed (low-level topography) landscape position. This wetland is supported by flood irrigation. 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) – (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. Therefore, this wetland is not a water of the U.S. regulated under Section 404 of the Clean Water Act.
Ditch	215 linear feet (0.02 acre)	(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 along the south property boundary and shows no ordinary high-water mark or any other water marks that could potentially indicate hydrology. The ditch enters the study area from the east and continues west via culvert that passes beneath 2400 West. The aquatic resources report indicates that the ditch was segmented due to lack of maintenance, deposition of fill, erosion, and vegetation overgrowth. The ditch did not relocate a tributary, was not constructed in a tributary or adjacent wetlands. Since the ditch is not a tributary under (a)(2), exclusion (b)(5) applies. Therefore, the ditch 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: “Proposed Park Maintenance Facility Syracuse, Utah” dated December 10, 2020 prepared by LOCHNER. This information *is* sufficient for purposes of this AJD.  
Rationale: N/A

\_\_\_\_ Data sheets prepared by the Corps: N/A

Photographs: Aerial: GoogleEarth 7.3.3.7692. (15 July 1997, 12 June 2003, 18 August 2003, 24 August 2004, 17 April 2004, 31 December 2005, 12 July 2006, 31 July 2006, 22 June 2009, 17 June 2010, 14 September 2011, 4 June 2013, 16 June 2015, 8 July 2016, 17 June 2017, 10 September 2018, 18 July 2019, 31 May 2020). Davis County, Utah lat: 41.071506 long: -112.071181, eye alt 1005 ft. Retrieved August 12, 2021 from <http://www.earth.google.com>

Corps Site visit(s) conducted on: May 5, 2021

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- Previous Jurisdictional Determinations (AJDs or PJDs): This office has verified two No Permit Required projects (SPK-1998-50207 and SPK-1997-50114) in the vicinity of the review area, two Approved Jurisdictional Determination (SPK-2007-00676 and SPK-2020-00095). None of these projects resulted in the identification of aquatic resources. This office also verified permits SPK-2018-00795 and SPK-2020-0032 for residential developments and SPK-2019-00650 for a linear transportation project and utility line which resulted in impacts to aquatic resources.
- 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:** The traditional three-parameter approach to determine the presence of wetlands did not yield accurate results in higher elevation sections of the study area. Hydrophytic vegetation was documented in sample points 2, 6, 8, and 13. These areas were evaluated as outlined in the problematic conditions section of Chapter 5 of the U.S. Army Corps of Engineers Arid West Regional Supplement. Based on the presence of a single indicator (i.e., hydrophilic vegetation), these areas were determined to be uplands because they are located in a landscape position that is not likely to collect or concentrate water. Site conditions were confirmed on May 5, 2021 during a Corps site inspection.

Flood irrigation from neighboring parcels has ceased to reach the study area. The property immediately to the northwest of the subject study area was evaluated in January 2021 under SPK-2020-00095. The source of hydrology for the upstream property was flood irrigation. Hydrological features extended from the upstream adjacent property into the subject study area. Active irrigation ended in 2017 and water was later diverted in 2020 to an upstream water control structure. Wetland features extending from the upstream adjacent property into the subject study area were observed in historic aerial photographs; however, as part of the evaluation for SPK-2020-00095, nine groundwater monitoring wells were installed and monitored every 3 days from April 22, 2020 to June 30, 2020. No

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water was documented during the monitoring period. Currently, the amount of water that could potentially be released into the adjacent upstream property would not be sufficient to reach the subject study area.

The ditch documented along the south property boundary shows no ordinary high-water mark or any other waters marks that could potentially indicate hydrology. The aquatic resources report indicates that the ditch is segmented due to lack of maintenance, deposition of fill, erosion, and vegetation overgrowth. A culvert that passes beneath 2400 West is located at the west end of the ditch and continues west of the study area for approximately 200 linear feet. The aquatic resources report indicates that this ditch does not connect to any other downstream water resources or jurisdictional waters; however, the ditch was evaluated under projects SPK-2018-00795 and SPK-2020-00032 and serves as the hydrologic connection for restoration and mitigation areas for the properties located southwest of the 2400 West. Although the ditch is considered a non-jurisdictional feature under the Navigable Waters Protection Rule, filling this hydrologic connection will result in non-compliance issues for the adjacent downstream properties that were verified as jurisdictional waters of the U.S. under the 2008 Rapanos Guidance and supporting an approved mitigation/preserve area.

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