



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-2021-00446
Associated JDs: N/A
Review Area Location¹: 465 Chugg Lane
State/Territory: Utah City: Harrisville County/Parish/Borough: Weber County
Center Coordinates of Review Area: Latitude 41.276406 Longitude -111.989982

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
- 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
N/A	N/A	N/A	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 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))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Swale	1.6 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	Located in the lower west side of the study area and surrounded by uplands. Runoff from storms and irrigation gathers in this spot. The area appears to support halophytic vegetation and the USDA soil map shows this area supports hydric soils. However, a review of aerial photographs revealed that this feature was constructed on uplands and has been part of an agricultural field since the 1940s. The feature stores stormwater runoff. This feature does not have a direct surface water connection to jurisdictional waters and does not utilize otherwise jurisdictional waters as part of the overall system. Therefore, this feature meets the (b)(10) exclusion.

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: Alex Craft on June 14, 2021

This information is sufficient for purposes of this AJD.

Rationale: N/A.

____ Data sheets prepared by the Corps: Title(s) and/or date(s).

Photographs: Aerial: GoogleEarth 7.3.3.7786. September 11, 2020, June 16, 2020, September 14, 2020, August 31, 2003, August 13, 1993. Weber County, Utah. Latitude 41.276406 Longitude -111.989982, eye alt 5972 ft. Retrieved July 16, 2021. Digital Globe: June 11, 2021, December 11, 2020, May 29, 2020, June 3, 2019. Weber County, Utah. Latitude 41.276406 Longitude -111.989982, Zoom Level 17, 200ft. Retrieved July 16, 2021.

____ 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: Davis-Weber Area, Utah Craft Property July 16, 2021

USFWS NWI maps: Craft Property July 16, 2021

USGS topographic maps: Ogden Utah Revised 1966, Accessed July 16, 2021

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.

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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 U.S. Geological Service (USGS) topographic map shows a blue line on the northeast side of the property. This blue line is the Western Canal which is approximately 2,155 feet northeast of the property line and approximately 3,000 feet northeast from the study area. The canal has no hydrologic surface connection to the swale feature documented within the study area. The U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) mapping shows there is a fresh water emergent wetland on the west side of the property near the proposed project site. The U.S. Department of Agriculture (USDA) Natural Resource Conservation Service Soil Survey shows hydric soils covering 26.4% of the study area on the lower west boundary line. The property owner provided photos of the site taken on June 14, 2020 that revealed the presence of phragmites, a wetland indicator. However, the site is surrounded by uplands on all sides and there is no direct surface water connection to jurisdictional waters; therefore, the swale feature is not jurisdictional per the Navigable Waters Protection Rule.

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