



**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): [December 22, 2020](#).

ORM Number: [SPK-2020-00737](#).

Associated JDs: [N/A](#).

Review Area Location¹: State/Territory: [Utah](#). City: [Park City](#). County/Parish/Borough: [Summit](#).

Center Coordinates of Review Area: Latitude [40.7135](#). Longitude [-111.5002](#).

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).

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.



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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. acres	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. acres	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. acres	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. acres	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 3	0.03 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetland 3 is located in a disturbed drainage swale that has been separated from the drainage flowing off site to the north only by a culvert under Trailside Loop. The drainage feature north of the study area becomes an intermittent channel that drains seasonal snow melt flows directly into Kimball Creek. The off-site intermittent channel qualifies as an (a)(1)-(a)(3) water, as flow can be observed on historic aerial imagery (Digital Globe, April 2019) during Spring runoff.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴

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 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.



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Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.05	acres	(b)(1) Non-adjacent wetland.	Wetland 1 is the up-gradient extent of the on-site drainage swale. A dirt road and embankment blocks flow to Wetland 2 and no culvert or other means of maintaining hydrologic connectivity exists.
Wetland 2	0.08	acres	(b)(1) Non-adjacent wetland.	Wetland 2 is a continuation of the historic drainage feature on site and is located down-gradient of Wetland 1. Any potential flow beyond Wetland 2 is blocked by a berm that was constructed when the adjacent sports fields and associated drainage infrastructure were installed. There is no culvert through the berm to pass flow from Wetland 2 to Wetland 3.

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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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: [Bowen Collins & Associates, "Amenti Park Aquatic Resources Report", dated September 22, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#) .

Data sheets prepared by the Corps: [N/A](#).

Photographs: **Aerial:** [Google Earth 7.3.3.7692.\(1993, August 22; 2011, September 14; 2019, July 18\). Park City, Utah. Latitude 41.7135, Longitude - 111.5002, eye alt 10,200 ft. Retrieved December 3, 2020 and December 22, 2020, from http://www.earth.google.com. 2019 Digital Globe. \(2019 April 17\). Park City, Utah. 41.7135° latitude, -111.5002° longitude, zoom level 16 \(500 feet\). Retrieved December 3, 2020, from https://evwhs.digitalglobe.com.](#)

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 Issues	N/A .

B. Typical year assessment(s): [N/A](#).

C. Additional comments to support AJD: [N/A](#).