



**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): 30 OCT 2020.

ORM Number: SPK-201900030.

Associated JDs: N/A .

Review Area Location<sup>1</sup>: State/Territory: Utah. City: Vineyard City. County/Parish/Borough: Utah.

Center Coordinates of Review Area: Latitude 40.30521. Longitude -111.75942.

**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)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A. acres		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. acres		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.

<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 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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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.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	acres		N/A.

**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
NJ1	2.11	acres	(b)(1) Non-adjacent wetland.	There is a 2.11-acre palustrine emergent wetland within the 53.9-acre review area. The subject wetland is separated from Utah Lake, a navigable in fact waterway, by North Vineyard Road. North Vineyard Road does have a 12-18-inch culvert that historically connected the subject wetland and Utah Lake. This culvert has been clogged for 20-30 years and does not any flow passage, especially in a typical year. The culvert outlet does not exhibit an ordinary high-water mark. This was verified during the July site visit, Photo Points 1 and 13 from the Lakefront AR Delineation Report, and the outlet area being dominated by upland vegetation. A review of historic aerals focusing on times of non-drought conditions, when flows would be expected, resulted in no signatures of a connection to Utah Lake. Also, the review area is not located within the Utah Lake FEMA Zone AE (100-year floodplain) elevation of 4,498 feet. The culvert outlet is located approximate 100 feet east of the 100-year floodplain line with an elevation of

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				approximately 5,504 feet with the top of Vineyard Road at 5,508 feet. The review area is located within the FEMA Zone X (500-year floodplain or 0.2% chance annual flood potential). No hydrologic connection could be made between the subject wetland and Utah Lake. Therefore, this 2.11-acre palustrine emergent wetland has been determined to be an excluded b(1) Non-adjacent wetland.

**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: [Lakefront Development Aquatic Resource Delineation Report, dated June 2020, prepared by Bowens Collins & Associates.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: .

Photographs: [Aerial: GoogleEarth 7.3.3.7692. \(1993 August 13, 1997 September 11, 2005 July 11, 2010 June 17, 2011 October 20, 2013 June 4, 2015 June 16, 2017 June 17, 2019 July 18, 2020 May 31\). Vineyard, Utah. 40.30521° latitude, -111.75942° longitude, eye alt 7643 ft. Retrieved October 20, 2020, from <http://www.earth.google.com>; 2019 Digital Globe. \(2018 July 4, 2019 May 2, and 2020 April 23\). Vineyard, Utah. 40.30509° latitude, -111.75939° longitude, zoom level 18 \(100 feet\). Retrieved October 20, 2020, from <https://evwhs.digitalglobe.com>. .](#)

Corps site visit(s) conducted on: [July 27, 2020.](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [AJD, SPK-2019-00030, June 7, 2019- The 2.11 acres of wetland within the study area were determined to be adjacent and tributary to Utah Lake, a navigable-in-fact Traditionally Navigable Water.](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: .

USFWS NWI maps: .

USGS topographic maps: .

**Other data sources used to aid in this determination:**



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Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">FEMA/FIRM maps</a>	<a href="https://msc.fema.gov/portal/search?AddressQuery=vineyard%20utah#searchresultsanch">FEMA Map 49049C0320F. Effective 2019 June 6. Retrieved October 28, 2020, from https://msc.fema.gov/portal/search?AddressQuery=vineyard%20utah#searchresultsanch</a>

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

**C. Additional comments to support AJD:** [N/A](#) or provide additional discussion as appropriate.