

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 3/17/2010

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, South Davis Sewer District, SPK-2008-01512-UO JD2-Sig Nex, Wetland 2

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Utah** County/parish/borough: **Davis** City: **West Bountiful**
Center coordinates of site (lat/long in degree decimal format): Lat. **40.9017634850257° N**, Long. **-111.923047930526° W**
Universal Transverse Mercator: **12 422254.62 4528262.03**

Name of nearest waterbody: **Great Salt Lake**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Great Salt Lake**

Name of watershed or Hydrologic Unit Code (HUC): **Jordan, Utah, 16020204**

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form: **SPK-2008-01512-JD1 Perennial and Abutting Wetlands: Mill Creek, W1, W3, and W4**

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: **February 3, 2010**

Field Determination. Date(s): **October 1, 2009**

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: **N/A**

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: **N/A** linear feet, **N/A** wide, and/or **N/A** acres.

Wetlands: **0.08** acres.

c. Limits (boundaries) of jurisdiction based on: **Not Applicable.**

Elevation of established OHWM (if known): **N/A**

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain:

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: **Great Salt Lake**

Summarize rationale supporting determination: **The Great Salt Lake is a TNW that supports interstate commerce through sale of salts and minerals and recreation.**

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": **When viewing the wetland complex along Mill Creek and the Great Salt Lake the wetlands together have an physical chemical and biological effect on Utah Lake.**

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: **11.3 square miles**
Drainage area: **3 acres**
Average annual rainfall: **33.6 precipitation** inches
Average annual snowfall: **See above** inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
 Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **1-2** river miles from TNW.
Project waters are **Pick List** river miles from RPW.
Project waters are **1-2** aerial (straight) miles from TNW.
Project waters are **Pick List** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: **No**

Identify flow route to TNW⁵: **Year Round RPW Mill Creek flows to the Great Salt Lake (TNW).**
Tributary stream order, if known: **Unknown**

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

- Artificial (man-made). Explain: N/A
- Manipulated (man-altered). Explain: **Based on field observations aerial photos and development that has occurred in the area, Mill Creek is a combination of man-made channel and natural stream. Much of the stream has been channelized and straightened for flood control purposes. The reach of Mill Creek near the project site has been channelized.**

Tributary properties with respect to top of bank (estimate):

Average width: **10** feet
 Average depth: **3-5** feet
 Average side slopes: **2:1**.

Primary tributary substrate composition (check all that apply):

- Silts
- Sands
- Concrete
- Cobbles
- Gravel
- Muck
- Bedrock
- Vegetation. Type/% cover: N/A
- Other. Explain: N/A

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain: **none**

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): **31.7 % average for entire watershed. 3% in project area**

(c) **Flow:**

Tributary provides for: **Perennial flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: **None**

Other information on duration and volume: **None**

Surface flow is: **Confined**. Characteristics: **The stream is will defined channel with banks and continuouse OHWM.**

Subsurface flow: **Unknown**. Explain findings: **Based on elevation of the project site, the stream and the Great Salt Lake , there is likely some groundwater influence.**

Dye (or other) test performed:

Tributary has (check all that apply):

- Bed and banks
- OHWM⁶ (check all indicators that apply):
 - clear, natural line impressed on the bank
 - changes in the character of soil
 - shelving
 - vegetation matted down, bent, or absent
 - leaf litter disturbed or washed away
 - sediment deposition
 - water staining
 - other (list):
- Discontinuous OHWM.⁷ Explain: N/A
- the presence of litter and debris
- destruction of terrestrial vegetation
- the presence of wrack line
- sediment sorting
- scour
- multiple observed or predicted flow events
- abrupt change in plant community

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- High Tide Line indicated by:
 - oil or scum line along shore objects
 - fine shell or debris deposits (foreshore)
 - physical markings/characteristics
 - tidal gauges
 - other (list): N/A
- Mean High Water Mark indicated by:
 - survey to available datum;
 - physical markings;
 - vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: **Based on field observations the water was mostly clear. During runoff and spring snow melt the water is most likely brownish in color from sediment.**

Identify specific pollutants, if known: **Roadway and industrial areas exist east of the project site. Pollutants from these areas could enter the watercourse.**

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): N/A
- Wetland fringe. Characteristics: **Emergent wetlands occur along segments of this reach of the stream.**
- Habitat for:
 - Federally Listed species. Explain findings: N/A
 - Fish/spawn areas. Explain findings: N/A
 - Other environmentally-sensitive species. Explain findings: N/A
 - Aquatic/wildlife diversity. Explain findings: used by mammals, birds, macro and micro invertebrates, reptiles and amphibians all of which make up the local food chain.

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: **0.08** acres

Wetland type. Explain: **Emergent Wet Meadow**

Wetland quality. Explain: **Wetland W2 is a small depressional area. This wetland receives surface runoff and other overland flows and may receive hydrology from groundwater. No dye test has been done to trace the flows. The site has been grazed and hayed in the past. These disturbances have impacted the quality of the wetland. Relative to the large wetlands in the area, this wetland does not provide as many functions and services but could contribute some functions and values when considered with the entire wetland complex and Great Salt Lake.**

This wetland meets the three criteria of a wetland according to the 1987 Delineation Manual. There are no channels, ditches, or evidence of overland flow connections to any regulated waterway. However, this wetland could contribute to the larger wetland complex during larger precipitation events.

W2 is a small wetland (0.08 acre) in relation to the large wetlands identified within the project area and the wetlands surrounding the site that were not identified as part of this wetland delineation. W2 is located adjacent to 1200 North and receives surface flows from the street and surrounding area. It retains/assimilates some of these pollutants that may otherwise flow to the Great Salt Lake. It is approximately 300 feet east of W1, 1200 feet east of Mill Creek, 1000 feet south of a large wetland complex associated with the Great Salt Lake, and 3 miles to the open water of the Great Salt Lake. The recently completed Legacy Parkway (not shown in most aerials) also separates this wetland from the Great Salt Lake and Waterfowl Management Area, with the exception of the culvert under the road. Large precipitation events could create an overland connection between W2 and other wetlands that are part of the larger wetland complex and the Great Salt Lake.

Project wetlands cross or serve as state boundaries. Explain: **No the wetland does not cross state lines.**

(b) General Flow Relationship with Non-TNW:

Flow is: **No Flow**. Explain: **This wetland is a small depressed area in the landscape and there were not flow paths observed leading to or from the wetland. Large precipitation events could reach this wetland and connect the wetland with the larger wetland complex and the Great Salt Lake.**

Surface flow is: **Overland sheetflow**

Characteristics: **Flow appear to be overland into the depression. The wetland does not flow to any TNW unless a large precipitation flooding event occurs. Large floods could cause the site to become inundated.**

According to the FEMA flood map 49011C0393E dated June 18, 2007, W2 appears to be on the outer edge of the 100-year floodplain of the Geat Salt Lake. Hydrology has been altered since the construction of Legacy Parkway and this FEMA flood map may be outdated.

Subsurface flow: **Unknown**. Explain findings: **There has been no subsurface test. It could be assumed that during high water years this wetland would appear wetter.**

Dye (or other) test performed: N/A

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain: **This wetland is located in a small depressed area. It is separated from the Great Salt Lake by approximately 3 miles. Roads, highways, and flood levees separate W2 from the Great Salt Lake with the exception of culverts through these features. There is no distinct surface**

connection to Mill Creek or wetlands adjacent to Mill Creek and the Great Salt Lake. However, precipitation events could connect this wetland to the other wetlands and the Great Salt Lake. The larger wetlands and Mill Creek connect directly to the Great Salt Lake. When considered with the large wetlands it is possible that this small wetland would have an effect that is more than speculative or insubstantial on the chemical, physical, and biological integrity of the Great Salt Lake and the wetlands and Mill Creek.

- (d) Proximity (Relationship) to TNW
 Project wetlands are **2-5** river miles from TNW.
 Project waters are **2-5** aerial (straight) miles from TNW.
 Flow is from: **No Flow**.
 Estimate approximate location of wetland as within the **100 - 500-year** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **No water was present during the delineation or the site visit conducted to verify the delineation. Industrial, agricultural and roadways exist in the area and it is uncertain but likely that chemical integrity is compromised by the surrounding landuses.**

Identify specific pollutants, if known: **Agricultural, industrial and roadway pollutants.**

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width): **N/A**
- Vegetation type/percent cover. Explain: **Distichlis spicata 40%, Hordeum pusillum 40%, Bassia hyssopifolia 1%, Bromus japonicus 1%. Total Vegetative Cover = 82%**
- Habitat for:
 - Federally Listed species. Explain findings: **N/A**
 - Fish/spawn areas. Explain findings: **N/A**
 - Other environmentally-sensitive species. Explain findings: **N/A**
 - Aquatic/wildlife diversity. Explain findings: **This wetland could be used by mammals and birds but most likely these species prefer the larger wetland systems and less disturbed areas closer to the stream.**

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **4**
Approximately **6.3** acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
W1 (Y)	2.79	W2 (N)	0.08
W3 (Y)	2.77	W4 (Y)	0.70

Summarize overall biological, chemical and physical functions being performed: **W1, W3, and W4 are much larger wetland systems with a direct connection to an RPW or wetlands associated with the shore of the Great Salt Lake. W2 is a small depressed area within the landscape and does not have a direct connection to the Great Salt Lake or and other wetlands associated with the Great Salt Lake. The larger wetlands provide flood storage, wildlife habitat, filter pollutants from roadways and agricultural sites, and provide recreational and scientific value with the Wildlife Management area that is located directly north of the project site. W2 is a small wetland that will likely have a lesser effect that is more than speculative or insubstantial on the chemical, physical, and biological integrity of the Great Salt Lake. When considered alone W2 does not support the functions and values that the larger wetlands have. When considered in combination with all the wetlands along the Mill Creek reach this wetland does contribute additional functions and services.**

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: **N/A**
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: **N/A**
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: **W2 is a small wetland (0.08 acre) in relation to the large wetlands identified within the project area and the wetlands surrounding the site that were not identified as part of this wetland delineation. W2 is located adjacent to 1200 North and receives surface flows from the street and surrounding area. It retains/assimilates some of these pollutants that may otherwise flow to the Great Salt Lake. It is approximately 300 feet east of W1, 1200 feet east of Mill Creek, 1000 feet south of a large wetland complex associated with the Great Salt Lake, and 3 miles to the open water of the Great Salt Lake. The recently completed Legacy Parkway (not shown in most aeriels) also separates this wetland from the Great Salt Lake and Waterfowl Management Area, with the exception of the culvert under the road. Large precipitation events could create an overland connection between W2 and other wetlands that are part of the larger wetland complex and the Great Salt Lake.**

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - TNWs: **N/A** linear feet, **N/A** wide, Or **N/A** acres.
 - Wetlands adjacent to TNWs: **N/A** acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: **Flow has been observed in the stream year round and during site visits conducted by the Corps.**
 - Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: **N/A**

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **approx. 1000** linear feet 10 feet wide. Mill Creek on the west side of Legacy Parkway
 - Other non-wetland waters: **N/A** acres.
- Identify type(s) of waters: **N/A**

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: **N/A** linear feet, **N/A** wide.
 - Other non-wetland waters: **N/A** acres.
- Identify type(s) of waters: **N/A**

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

⁸See Footnote # 3.

- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: N/A
- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: N/A

Provide acreage estimates for jurisdictional wetlands in the review area: N/A acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: 0.08 acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: N/A acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: N/A
- Other factors. Explain: N/A

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: N/A linear feet, N/A wide.
- Other non-wetland waters: N/A acres.
Identify type(s) of waters: N/A
- Wetlands: N/A acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: N/A
- Other: (explain, if not covered above): N/A

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- Non-wetland waters (i.e., rivers, streams): **N/A** linear feet, **N/A** wide.
- Lakes/ponds: **N/A** acres.
- Other non-wetland waters: **N/A** acres. List type of aquatic resource:
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): **N/A** linear feet, **N/A** wide.
- Lakes/ponds: **N/A** acres.
- Other non-wetland waters: **N/A** acres. List type of aquatic resource:
- Wetlands: **N/A** acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **Maps provided in Oct. 2009 Delineation Report**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas: **Jordan Utah 16020204**
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **1:24K; UT-FARMINGTON**
- USDA Natural Resources Conservation Service Soil Survey. Citation: **Maps provided in October 2009 Delineation Report**
- National wetlands inventory map(s). Cite name: **Farmington, UT 1:24K**
- State/Local wetland inventory map(s): **N/A**
- FEMA/FIRM maps: **Davis County Utah, Map Number 49011C0393E, June 18, 2007**
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): **Provided in October 2009 Delineation Report**
 or Other (Name & Date): **Provided in October 2009 Delineation Report**
- Previous determination(s). File no. and date of response letter: **N/A**
- Applicable/supporting case law: **N/A**
- Applicable/supporting scientific literature: **N/A**
- Other information (please specify): **N/A**

B. ADDITIONAL COMMENTS TO SUPPORT JD:

W2 is a small wetland (0.08 acre) in relation to the large wetlands identified within the project area and the wetlands surrounding the site that were not identified as part of this wetland delineation. W2 is located adjacent to 1200 North and receives surface flows from the street and surrounding area. It retains/assimilates some of these pollutants that may otherwise flow to the Great Salt Lake. It is approximately 300 feet east of W1, 1200 feet east of Mill Creek, 1000 feet south of a large wetland complex associated with the Great Salt Lake, and 3 miles to the open water of the Great Salt Lake. The recently completed Legacy Parkway (not shown in most aerials) also separates this wetland from the Great Salt Lake and Waterfowl Management Area, with the exception of the culvert under the road. Large precipitation events could create an overland connection between W2 and other wetlands that are part of the larger wetland complex and the Great Salt Lake.

Mill Creek and Wetlands W1, W3 and W4 are wetlands abutting Mill Creek, an RPW, that flows into the Great Salt Lake, a TNW. W1 connects through a culvert under 1200 North to a wetland that abuts Mill Creek. W3 has wetlands that continue north of the project site to the edge of the open water and the Waterfowl Management Area which is part of the Great Salt Lake. W4 abuts Mill Creek which flows to the Great Salt Lake. A separate approved jurisdictional determination was prepared for Mill Creek, W1, W3, and W4. These wetlands were assessed on a separate form and considered jurisdictional.