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): December 8, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, North Pointe Ranch Delineation, SPK-2016-00241-UO

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: **Utah** County/parish/borough: **Salt Lake** City: **Salt Lake City**
Center coordinates of site (lat/long in degree decimal format): Lat. **40.8002473697364°**, Long. **-112.062851195485°**
Universal Transverse Mercator: **12 410342.51 4517126.42**
Name of nearest waterbody: **Goggin Drain**
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, 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-2016-00241 Sig Nex**

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☐ Office (Desk) Determination. Date:
☒ Field Determination. Date(s): **5/4/2016 and 8/10/2015**

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:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "*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 waters[2] (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: linear feet, wide, and/or acres.
      Wetlands: acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Pick List**
      Elevation of established OHWM (if known):

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: **The site contains approximately 3.47 acres of isolated waters: E-39 (0.92 acres), E-40 (0.18 acres), E-41 (0.18 acres), SP-7 (0.44 acres), SP-8 (0.88 acres), and SP-9 (0.87 acres). E-39 is depressional and does not have a physical connection with the Great Salt Lake (nearest TNW), approximately 3.2 miles west; or with the North Pointe Consolidated Canal (nearest RPW), approximately 650 feet north. E-40 is depressional and does not have a physical connection with the Great Salt Lake (nearest TNW), approximately 4 miles west; or with the nearest wetland SM-32, approximately 550 feet south. E-41 is**

[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.

depressional and does not have a physical connection with the Great Salt Lake (nearest TNW), approximately 4.1 miles west; or the the West Branch Brighton Canal (nearest RPW), approximately 1,300 feet west. SP-7 is depressional and does not have a physical connection with the Great Salt Lake (nearest TNW), approximately 4.1 miles west; or the unnamed drainage (nearest RPW), approximately 375 south. SP-8 is depressional and does not have a physical connection with the Great Salt Lake (nearest TNW), approximately 4.1 miles west; or the unnamed drainage (nearest RPW), approximately 620 feet south. SP-9 is depressional and does not have a physical connection with the Great Salt Lake (nearest TNW), approximately 4.1 miles west; or the unnamed drainage (nearest RPW), approximately 1,000 feet south.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

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:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent":

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 waterbody[4] 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: **Pick List**
Drainage area: **Pick List**
Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☐ Tributary flows through **Pick List** tributaries before entering TNW.

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

Project waters are **Pick List** river miles from TNW.
Project waters are **Pick List** river miles from RPW.
Project waters are **Pick List** aerial (straight) miles from TNW.
Project waters are **Pick List** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW[5]:
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☐ Natural
☐ Artificial (man-made). Explain:
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):
Average width: feet
Average depth: feet
Average side slopes: **Pick List.**

Primary tributary substrate composition (check all that apply):
☐ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:
Presence of run/riffle/pool complexes. Explain:
Tributary geometry: **Pick List**
Tributary gradient (approximate average slope): %

(c) Flow:
Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime:
Other information on duration and volume:

Surface flow is: **Pick List.** Characteristics:

Subsurface flow: **Pick List**. Explain findings:
☐ Dye (or other) test performed:

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[6] (check all indicators that apply):
☐ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☐ shelving ☐ the presence of wrack line
☐ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.[7] Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):
☐ High Tide Line indicated by: ☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☐ physical markings;

[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.
[6]A 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.
[7]Ibid.

☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain:
Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):
☐ Riparian corridor. Characteristics (type, average width):
☐ Wetland fringe. Characteristics:
☐ Habitat for:
☐ Federally Listed species. Explain findings:
☐ Fish/spawn areas. Explain findings:
☐ Other environmentally-sensitive species. Explain findings:
☐ Aquatic/wildlife diversity. Explain findings:

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: acres
Wetland type. Explain:
Wetland quality. Explain:
Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:
Flow is: **Pick List**. Explain:

Surface flow is**: Pick List**
Characteristics:

Subsurface flow: **Pick List**. Explain findings:
☐ Dye (or other) test performed:

(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:

(d) Proximity (Relationship) to TNW
Project wetlands are **Pick List** river miles from TNW.
Project waters are **Pick List** aerial (straight) miles from TNW.
Flow is from: **Pick List.**
Estimate approximate location of wetland as within the **Pick List** 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:
Identify specific pollutants, if known:

(iii) Biological Characteristics. Wetland supports (check all that apply):
☐ Riparian buffer. Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
☐ Habitat for:
☐ Federally Listed species. Explain findings:
☐ Fish/spawn areas. Explain findings:
☐ Other environmentally-sensitive species. Explain findings:
☐ Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

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:

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:

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:

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: linear feet, wide, Or acres.
   - ☐ Wetlands adjacent to TNWs: 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:
   - ☐ 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:

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

☐ Tributary waters: linear feet wide.
☐ Other non-wetland waters: acres.
Identify type(s) of waters:

3. Non-RPWs[8] 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: linear feet, wide.
☐ Other non-wetland waters: acres.
Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.
☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ 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:

☐ 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:

Provide acreage estimates for jurisdictional wetlands in the review area: 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 jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: 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: 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:
☐ Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet, wide.
☐ Other non-wetland waters: acres.

[8]See Footnote # 3.
[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.*

Identify type(s) of waters:
☐ Wetlands: 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:
☐ Other: (explain, if not covered above):

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):
☐ Non-wetland waters (i.e., rivers, streams): linear feet, wide.
☐ Lakes/ponds: acres.
☒ Other non-wetland waters: **2.19** acres. List type of aquatic resource: **Playa**
☒ Wetlands: **1.28** 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): linear feet, wide.
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource:
☐ Wetlands: 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: **WP Natural Resources Consulting LLC**
☒ 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:
  ☐ USGS NHD data.
  ☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: **1:24K; UT-SALTAIR**
☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
☐ National wetlands inventory map(s). Cite name:
☐ State/Local wetland inventory map(s):
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☐ Aerial (Name & Date): **Google Earth 1993 to 2016**
  or ☐ Other (Name & Date):
☐ Previous determination(s). File no. and date of response letter:
☐ Applicable/supporting case law:
☐ Applicable/supporting scientific literature:
☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

The study site is 2,836 acres and is comprised of 443.29 acres of wetland, 172.11 acres of open water, and 81,297 linear feet of ditches. This office has determined that 3.47 acres of these waters of the U.S. are isolated and non-jurisdictional. The non-significant nexus and significant nexus waters within the site have been analyzed under a separate jurisdictional determination form.

Wetlands E-39 (0.92 acres), E-40 (0.18 acres), and E-41 (0.18 acres) are all classified as emergent marsh. These wetlands do not have a physical connection with the Great Salt Lake (nearest TNW) at least 3.2 miles west. Also, these wetlands are depressional with no physical connection to the nearest RPW at least 550 feet away.

SP-7 (0.44 acres), SP-8 (0.88 acres), and SP-9 (0.87 acres) are classified as saline playa. These playa areas exhibit an ordinary high water mark and with typical playa are depressional. There is no physical connection with the Great Salt Lake (nearest RPW), at least 4.1 miles west; or with the nearest RPW, at least 375 feet away.

Due to the lack of and no potential for a physical connection with the Great Salt Lake (nearest TNW), and no associated interstate commerce, the Corps has determined these 2.19 acres of playa and 1.28 acres of emergent wetland to be isolated and non-jurisdictional.

Table. ***Characteristics of all wetlands adjacent to the tributary***

Wetland	Acreage	Directly Abutting
T-1	16.18	Y
T-2	0.17	Y
T-3	2.019138	Y
T-4	0.750869	Y
T-5	0.057695	Y
T-6	2.154636	Y
T-7	16.17703	Y
T-8	0.943245	N
T-9	0.138004	Y
T-10	0.03086	Y
T-11	0.232399	Y
T-12	2.663121	Y
T-13	0.355776	Y
T-14	1.931425	Y
T-15	1.96E-05	Y
T-16	0.081705	Y
T-17	1.014913	Y
T-18	4.622652	Y
T-19	1.457592	Y
T-20	0.626442	Y
T-21	0.434254	Y
T-22	0.64698	Y
T-23	0.214009	Y
T-24	0.288219	Y
T-25	0.297847	Y
E-1	0.369556	N
E-5	0.049616	Y
E-6	0.22849	Y
E-7	0.565268	Y
E-8	12.36168	Y
E-9	6.994911	Y
E-10	0.01753	Y
E-11	8.074116	Y
E-12	0.045086	Y
E-14	0.133263	Y
E-15	0.97103	Y
E-16	8.26407	Y
E-17	0.394359	N
E-18	18.2894	Y
E-19	0.712303	Y
E-20	7.50705	Y
E-21	7.210037	Y
E-22	1.754511	Y
E-23	0.077787	Y
E-24	0.047434	Y
E-25	0.364222	Y
E-26	1.048743	Y
E-27	0.096607	Y
E-28	0.264888	Y
E-29	14.76153	Y
E-30	1.609563	Y
E-32	21.83344	Y
E-36	4.092705	Y
E-37	3.116917	Y

E-38	0.05519	Y
E-43	0.464429	Y
SM-2	0.622542	N
SM-3	0.056733	Y
SM-4	0.186808	Y
SM-5	146.4896	Y
SM-6	6.043518	Y
SM-7	1.222421	N
SM-8	10.98199	N
SM-9	0.108785	N
SM-10	7.440607	Y
SM-11	10.62859	Y
SM-12	1.600992	Y
SM-13	3.769543	Y
SM-14	0.49672	Y
SM-16	0.205793	Y
SM-17	4.367896	Y
SM-18	0.027318	Y
SM-19	3.200272	N
SM-20	0.855338	Y
SM-21	0.030375	Y
SM-22	3.543617	Y
SM-23	0.292858	Y
SM-24	1.012247	Y
SM-25	0.101705	Y
SM-26	1.814777	Y
SM-27	9.020372	Y
SM-28	10.66431	Y
SM-29	0.163024	N
SM-30	0.819308	N
SM-31	1.072619	Y
SP-1	0.833007	Y
SP-2	39.23807	Y
SP-3	5.825968	Y
SP-4	0.292104	Y
SP-5	7.220808	Y
SP-6	30.34684	Y
SM-32	0.228481	Y
Total	**486.0905**	

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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): December 8, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, North Pointe Ranch Delineation, SPK-2016-00241-UO

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Utah** County/parish/borough: **Salt Lake** City: **Salt Lake City**
Center coordinates of site (lat/long in degree decimal format): Lat. **40.8002473697364°**, Long. **-112.062851195485°**
Universal Transverse Mercator: **12 410342.51 4517126.42**
Name of nearest waterbody: **Goggin Drain**
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, 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-2016-00241 Isolated**

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

☐ Office (Desk) Determination. Date:
☒ Field Determination. Date(s): **5/4/2016 and 8/10/2015**

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:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are and are not** "*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 waters[2] (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: **88,380** linear feet, **2-50 feet** wide, and/or **116.51** acres.
      Wetlands: **498.89** acres.

   c. **Limits (boundaries) of jurisdiction** based on: **1987 Delineation Manual**
      Elevation of established OHWM (if known):

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: **Under a separate JD form this office determined that 2.19 acres of playa and 1.28 acres of emergent wetland to be isolated and non-jurisdictional.**

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:

   Summarize rationale supporting determination:

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent":

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 waterbody[4] 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: **35,000 square miles**
   Drainage area: **805 square miles**
   Average annual rainfall: **24** inches
   Average annual snowfall: **59** inches

   (ii) Physical Characteristics:
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☒ Tributary flows through **2** tributaries before entering TNW.

   Project waters are **2-5** river miles from TNW.
   Project waters are **1 (or less)** river miles from RPW.
   Project waters are **2-5** aerial (straight) miles from TNW.
   Project waters are **1 (or less)** aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain: **Project waters do not cross or serve as state boundaries.**

   Identify flow route to TNW[5]: **All tributaries flow to the west/northwest into the Great Salt Lake.**
   Tributary stream order, if known:

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

[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.

Tributary is: ☒ Natural
☒ Artificial (man-made). Explain: **The Goggin Drain was constructed in approximately 1965 and it is evident that the smaller ditches were constructed due to being relatively straight and construction berms/borrow areas.**
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):
Average width: **2.5-30** feet
Average depth: **1-4** feet
Average side slopes: **2:1.**

Primary tributary substrate composition (check all that apply):
☒ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: **Phragmites 20% located mainly on banks**
☐ Other. Explain:

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): **1-2** %

(c) Flow:
Tributary provides for: **Perennial**
Estimate average number of flow events in review area/year: **6-10**
Describe flow regime: **Consistent throughout the growing season.**
Other information on duration and volume:

Surface flow is: **Discrete and confined.** Characteristics: **Flows are typically confined to the channels except in areas where there is directly abutting wetlands and playa where flow can overtop.**

Subsurface flow: **No**. Explain findings:
☐ Dye (or other) test performed:

Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[6] (check all indicators that apply):
☒ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☐ shelving ☐ the presence of wrack line
☒ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.[7] Explain:

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

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

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: **Generally clear except after large storm events.**
Identify specific pollutants, if known: **Non-point source pollution from upstream agricultural activies and developments.**

[6]A 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.
[7]Ibid.

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

☐ Riparian corridor. Characteristics (type, average width):
☒ Wetland fringe. Characteristics: **Sporadic areas of Phragmites australis and Schoenplectus americanus.**
☒ Habitat for:
☐ Federally Listed species. Explain findings:
☐ Fish/spawn areas. Explain findings:
☐ Other environmentally-sensitive species. Explain findings:
☒ Aquatic/wildlife diversity. Explain findings: **Common carp and other macroinvertabrates**

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: **Non-abutting wetlands: Wetlands E-42 (23.77 acres), SM-15 (0.38 acres), SM-29 (0.16 acres), SM-32 (0.23 ac), SM-30 (0.82 acres), E-17 (0.39 acres), SM-19 (3.2 acres), SM-2 (0.62 acres), SM-3 (0.06 acres), and E-1 (0.37 acres)** acres
Wetland type. Explain: **Wetland labeled as E are emergent and SM are saline meadow.**
Wetland quality. Explain: **Moderate due to the proximity to the Great Salt Lake, diversity of plants and majority of adjacent areas being undeveloped.**
Project wetlands cross or serve as state boundaries. Explain: **None of the wetland cross or serve as state boundaries.**

(b) General Flow Relationship with Non-TNW:
Flow is: **Ephemeral flow**. Explain: **Flows from the wetland to TNW**

Surface flow is**: Overland sheetflow**
Characteristics: **There is approximately 530 feet between SM-30, E-17 and SM-19; and the nearest RPW (West Branch Brighton Canal). This area is generally lower in elevation and would be classified as mesic. Flows could be identified off of aerials in 2011 and 2006.**

Subsurface flow: **Unknown**. Explain findings: **E-42 is seperated from the Goggin Drain by a manmande clay-silt berm appoximately 20 feet wide by 1-2 feet high. This berm is likely pervious due to being constructed of clay-silt material found on-site.**
☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:
☐ Directly abutting
☒ Not directly abutting
☒ Discrete wetland hydrologic connection. Explain: **Either overland sheetflow or subsurface flow through a berm.**
☐ Ecological connection. Explain:
☒ Separated by berm/barrier. Explain: **a berm was created to to sidecast material when constructing the ditches.**

(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: **Wetland to navigable waters.**
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: **Generally clear**
Identify specific pollutants, if known: **Non point source pollution from adjacent developments and agricultural activities.**

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

☐ Riparian buffer. Characteristics (type, average width):
☒ Vegetation type/percent cover. Explain: **Phragmites approximately 30%**
☒ Habitat for:
☐ Federally Listed species. Explain findings:
☐ Fish/spawn areas. Explain findings:
☐ Other environmentally-sensitive species. Explain findings:
☒ Aquatic/wildlife diversity. Explain findings: **Carp and macroinvertebrates**

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

All wetland(s) being considered in the cumulative analysis: **30 (or more)**
Approximately **475.9** acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
See attached table			

Summarize overall biological, chemical and physical functions being performed: **Physically, these wetlands provide important floodwater storage/dissipation and groundwater recharge. Biologically, these wetlands provide habitat and food for the many avian species that utilize the Great Salt Lake. Chemically, these wetlands help filter pollutants from non-point sources including adjacent I-80, Salt Lake City International Airport, Wingpointe Golf Course, the developments surrounding 5600 West and adjacent agricultural fields.**

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:

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:

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: **E-42 (23.77 acres) is an emergent wetland separated from the Goggin Drain by a small berm. The nearest point between the drain and its adjacent wetlands is approximately 30 feet. This area is depressional and the berm acts as a barrier. This berm is constructed of onsite material that is mainly clay-silt that likely allow the passage of water.**

SM-15 (0.38 acres) is separated from the Goggin Drain by a small berm approximately 10 feet wide and 1-2 feet high. The wetland is depressional and the berm was constructed from adjacent clay-silt substrate that likely allows the passage of water.

SM-29 (0.16 acres) is located within a drainage swale that flows to the west and connects with SM-32 (0.23 acres) which flows into the ditch (RPW). The approximately 650 foot mesic area between SM-32 and SM-29 is the remnant channel of the Jordan River but does not exhibit any ordinary high water mark. This area is mainly comprised of Kochia scoparia and Distichilis spicata, both species listed as faculative, meaning that they can tolerate saturated and inundated conditions. Also, a direct hydrologic connection could be identified on the Google Earth aerial photo dated 10/2/2011.

Wetlands SM-19 (3.2 acres) flows into E-17 (0.39 acres), T-8 (0.94 acres) and SM-30 (0.82 acres), which is seperated by approximately 530 feet of mesic meadow from the West Brighton Canal (nearest RPW) to the south. The mesic area is mainly comprised of saltgrass (Distichilis spicata) a facultative species, meaning it can tolerate saturated/inundated conditions. This mesic area is also slightly lower than the drier areas and a hydrologic connection could be identified on Google Aerials for 10/2/2011 and 12/20/2006.

SM-3 (0.06 acres) is separated from a unnamed ditch by a berm approximately 10 feet wide and 1-2 feet high that was constructed from onsite clay silt material. It is likely that this berm allows the passage of water due to the pervious material.

SM-2 (0.62 acres) and E-1 (0.37 acres) is separated from a ditch by a 85-foot mesic area that is slightly higher than the wetland and ditch. This mesic area is mainly comprised of saltgrass (Distichilis spicatat), a faculative species, which indicates saturated or inundated conditions.

Cumulatively the wetlands identified above and the other onsite wetlands are considered a wetland/playa complex that provide critical wetland functions. These functions are floodwater storage, groundwater recharge, filtering of pollutants and wildlife habitat, especially for migratory birds. With the continuing development of upstream properties and properties surrounding the Great Salt Lake, with additional urban runoff the filtering of pollutants and floodwater retention are critical functions in order to help prevent the further degradation of the Great Salt Lake, the nearest TNW. Therefore, wetlands E-42 (23.77 acres), SM-15 (0.38 acres), SM-29 (0.16 acres), SM-30 (0.82 acres), E-17 (0.39 acres), T-8 (0.94 acres), SM-19 (3.2 acres), SM-2 (0.62 acres), SM-3 (0.06 acres) and E-1 (0.37 acres) were all determined to have a significant nexus with the nearest TNW, 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: linear feet, wide, Or acres.
☐ Wetlands adjacent to TNWs: 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: **W-1 (6,329 feet), W-2 (13,569 feet), W-3 (4,132 feet), W-4 (7,733 feet), W-5 (4,362 feet), W-6 (3,202 feet), W-7 (4,831 feet), W-8 (1,408 feet), W-9 (3,081 feet), W-20 (7,084 feet), W-11 (1,063 feet), W-27 (1,678 feet), W-13 (2,191 feet), W-14 (2,095 feet), W-28 (801 feet), W-16 (400 feet), and W-29 (636 feet) were determined to have perennial flows since inundation could be identified throught the year as illustrated on Google Earth aerial photographs between 1997 through 2016.**
☒ 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: **E-2 (4,282 feet), E-3 (775 feet), E-4 (1,677 feet), E-13 (1,051 feet), E-44 (5,857 feet), E-45 (6,174 feet), E-31 (132 feet), E-35 (1,360 feet), E-33 (1,277 feet) and E-34 (1,200 feet) were determined seasonal since flow (inundation and saturation) could be identified throughout different periods of the growing season on Google Earth aerial photographs between 1997 through 2016.**

Note: waters identified with an (E) in this section are tibutaries and not emergent marsh wetlands.

Provide estimates for jurisdictional waters in the review area (check all that apply):
☒ Tributary waters: **81297** linear feet **2-45 feet** wide.
☒ Other non-wetland waters: **172.11** acres.
Identify type(s) of waters: **53.41 acre of playa that directly abut the RPW's described above and 116.51 acres of ponded water that directly abut RPW's described above .**

3. Non-RPWs[8] 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):

[8]See Footnote # 3.

☐ Tributary waters: linear feet, wide.
☐ Other non-wetland waters: acres.
Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.
☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☒ 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: **As identified on the North Point Ranch Delineation maps, Wetland Type Grid A-1, B-1, B-2, C-2, C-3, D-3, E-2, F-1, F-2, G-2, E-4, E-5, F-4, F-5, G-4, and G-5, prepared by WPNRC, Inc. The wetlands that physically connected with one of the perennial RPW's listed under section "D. 2." were considered directly abutting.**

☒ 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: **As identified on the North Point Ranch Delineation maps, Wetland Type Grid A-1, B-1, B-2, C-2, C-3, D-3, E-2, F-1, F-2, G-2, E-4, E-5, F-4, F-5, G-4, and G-5, prepared by WPNRC, Inc. The wetlands that physically connected with one of the seasonal RPW's listed under section "D. 2." were considered directly abutting.**

Provide acreage estimates for jurisdictional wetlands in the review area: **411.30** 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 jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: **30.71** 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: 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:
☐ Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet, wide.
☐ Other non-wetland waters: acres.
Identify type(s) of waters:
☐ Wetlands: acres.

[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.*

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:
☐ Other: (explain, if not covered above):

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):
☐ Non-wetland waters (i.e., rivers, streams): linear feet, wide.
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: 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): linear feet, wide.
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource:
☐ Wetlands: 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: **WP Natural Resources Consulting LLC**
☒ 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:
  ☐ USGS NHD data.
  ☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: **1:24K; UT-SALTAIR**
☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
☐ National wetlands inventory map(s). Cite name:
☐ State/Local wetland inventory map(s):
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): **Google Earth 1993 to 2016**
  or ☐ Other (Name & Date):
☐ Previous determination(s). File no. and date of response letter:
☐ Applicable/supporting case law:
☐ Applicable/supporting scientific literature:
☒ Other information (please specify): **Salt Lake City-Special Area Management Plan**

B. ADDITIONAL COMMENTS TO SUPPORT JD:

The study site is 2,836 acres and is comprised of 443.29 acres of wetland, 172.11 acres of open water, and 81,297 linear feet of ditches. The wetland types with the site are 162.37 acres of emergent marsh, 227.44 acres of saline wet meadow, and 53.48 acres of Tamarisk wetland. The open water is comprised of 55.60 acres of playa and 116.51 of ponded water. This office has determined that the study area contains 442.01 acres of jurisdictional wetland, 53.41 acres of jurisdictional playa, 116.51 acres of ponded water and 88,380 linear feet of jurisdictional channels. Under a separate JD form, the Corps determined that 2.19 acres of playa and 1.28 acres of emergent wetland to be isolated and non-jurisdictional.

W-1 (6,329 feet), W-2 (13,569 feet), W-3 (4,132 feet), W-4 (7,733 feet), W-5 (4'362 feet), W-6 (3,202 feet), W-7 (4,831 feet), W-8 (1,408 feet), W-9 (3,081 feet), W-20 (7,084 feet), W-11 (1,063 feet), W-27 (1,678 feet), W-13 (2,191 feet), W-14 (2,095 feet), W-28 (801 feet), W-16 (400 feet), and W-29 (636 feet) were determined to have perennial flows since inundation

could be identified throughout the year as identified on Google Earth aerial photographs between 1997 through 2016. Any wetlands directly abutting these RPW's are considered jurisdictional, as identified above.

E-2 (4,282 feet), E-3 (775 feet), E-4 (1,677 feet), E-13 (1,051 feet), E-44 (5,857 feet), E-45 (6,174 feet), E-31 (132 feet), E-35 (1,360 feet), E-33 (1,277 feet) and E-34 (1,200 feet) were determined seasonal since flow could be identified throughout the growing season on Google Earth aerial photographs between 1997 through 2016. Any wetland directly abutting these seasonal RPW's were considered jurisdictional, as identified above.

The following wetlands totaling 30.71: E-42 (23.77 acres), SM-15 (0.38 acres), SM-29 (0.16 acres), SM-30 (0.82 acres), E-17 (0.39 acres), T-8 (0.94 acres), SM-19 (3.2 acres), SM-2 (0.62 acres), SM-3 (0.06 acres) and E-1 (0.37 acres) were determined to have a significant nexus with the Great Salt Lake (nearest TNW) or the nearest RPW. Cumulatively, these wetlands and the other onsite wetlands are considered a wetland/playa complex that provide critical wetland functions. These functions are floodwater storage, groundwater recharge, filtering of pollutants and wildlife habitat. Development of upstream and adjacent properties have led to additional urban runoff and the filtering of pollutants and floodwater retention are critical functions in order to help prevent the further degradation of the Great Salt Lake, the nearest TNW.

Table. ***Characteristics of all wetlands adjacent to the tributary***

Wetland	Acreage	Directly Abutting
T-1	16.18	Y
T-2	0.17	Y
T-3	2.019138	Y
T-4	0.750869	Y
T-5	0.057695	Y
T-6	2.154636	Y
T-7	16.17703	Y
T-8	0.943245	N
T-9	0.138004	Y
T-10	0.03086	Y
T-11	0.232399	Y
T-12	2.663121	Y
T-13	0.355776	Y
T-14	1.931425	Y
T-15	1.96E-05	Y
T-16	0.081705	Y
T-17	1.014913	Y
T-18	4.622652	Y
T-19	1.457592	Y
T-20	0.626442	Y
T-21	0.434254	Y
T-22	0.64698	Y
T-23	0.214009	Y
T-24	0.288219	Y
T-25	0.297847	Y
E-1	0.369556	N
E-5	0.049616	Y
E-6	0.22849	Y
E-7	0.565268	Y
E-8	12.36168	Y
E-9	6.994911	Y
E-10	0.01753	Y
E-11	8.074116	Y
E-12	0.045086	Y
E-14	0.133263	Y
E-15	0.97103	Y
E-16	8.26407	Y
E-17	0.394359	N
E-18	18.2894	Y
E-19	0.712303	Y
E-20	7.50705	Y
E-21	7.210037	Y
E-22	1.754511	Y
E-23	0.077787	Y
E-24	0.047434	Y
E-25	0.364222	Y
E-26	1.048743	Y
E-27	0.096607	Y
E-28	0.264888	Y
E-29	14.76153	Y
E-30	1.609563	Y
E-32	21.83344	Y
E-36	4.092705	Y
E-37	3.116917	Y

E-38	0.05519	Y
E-43	0.464429	Y
SM-2	0.622542	N
SM-3	0.056733	Y
SM-4	0.186808	Y
SM-5	146.4896	Y
SM-6	6.043518	Y
SM-7	1.222421	N
SM-8	10.98199	N
SM-9	0.108785	N
SM-10	7.440607	Y
SM-11	10.62859	Y
SM-12	1.600992	Y
SM-13	3.769543	Y
SM-14	0.49672	Y
SM-16	0.205793	Y
SM-17	4.367896	Y
SM-18	0.027318	Y
SM-19	3.200272	N
SM-20	0.855338	Y
SM-21	0.030375	Y
SM-22	3.543617	Y
SM-23	0.292858	Y
SM-24	1.012247	Y
SM-25	0.101705	Y
SM-26	1.814777	Y
SM-27	9.020372	Y
SM-28	10.66431	Y
SM-29	0.163024	N
SM-30	0.819308	N
SM-31	1.072619	Y
SP-1	0.833007	Y
SP-2	39.23807	Y
SP-3	5.825968	Y
SP-4	0.292104	Y
SP-5	7.220808	Y
SP-6	30.34684	Y
SM-32	0.228481	Y
Total	**486.0905**	