DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹ 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): May 20, 2022
- B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, FSC Development, LLC Property, SPK-2021-00784

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Utah County/parish/borough: Davis County City: Farmington Center coordinates of site (lat/long in degree decimal format): Lat. 40.99019°, Long. -111.91842° Universal Transverse Mercator: 12 422747.66 4538074.41

Name of nearest waterbody:

Name of watershed or Hydrologic Unit Code (HUC): Lower Weber, 16020102

- Check if map/diagram of review area is 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.

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

- ✓ Office (Desk) Determination. Date: May 20, 2022
- Field Determination. Date(s): March 29, 2022

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.

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.

SECTION III: 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: "Aquatic Resources Assessment Report FSC Development LLC Farmington, Utah" prepared by Kagel Environmental, LLC dated October 11, 2021.
 - 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:
 - U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
 - U.S. Geological Survey map(s):
 - USDA Natural Resources Conservation Service Soil Survey. Citation:
 - National wetlands inventory map(s):
 - State/Local wetland inventory map(s):
 - FEMA/FIRM maps:
 - 100-year Floodplain Elevation is:
 - Photographs (Aerial): Google Earth historic aerial imagery, HistoricAerials.com
 - Photographs (Other): Photos submitted by the applicant as part of the aquatic resources report and photos taken on March 29, 2022,
 during USACE's site inspection.
 - Previous determination(s):
 - Applicable/supporting case law:
 - Applicable/supporting scientific literature:
 - Other information (please specify):

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE

REVIEW AREA ONLY INCLUDES DRY LAND: On December 1, 2021, the requestor was advised that a review of sensing data and observations made during a site visit near the subject study area on August 24, 2021, revealed the removal of a culvert located under Burke Lane. This non-compliance activity could have severed the hydrological connection to the subject study area and other downstream jurisdictional waters impacting normal conditions at the site. USACE visited the site on March 29, 2022, to verify the findings of the aquatic resource delineation and to identify any potential impacts associated with the culvert removal. During the inspection, USACE staff confirmed that the site is comprised of uplands with no aquatic resources that are regulated under Section 404 of the Clean Water Act or under Section 10 of the Rivers and Harbors Act. However, USACE documented an upland swale that did allow for a historical surface water connection between upstream and downstream jurisdictional waters connecting through the culvert previously located under Burke Lane and an existing culvert located under 1525 West.