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): July 3, 2023
- B. DISTRICT OFFICE, FILE NAME, AND NUMBER: 4362 Old Ranch Road, SPK-2021-00799
- C. PROJECT LOCATION AND BACKGROUND INFORMATION:

County/parish/borough: Summit County

Center coordinates of site (lat/long in degree decimal format): Lat. 40.694718°, Long. -111.527516°

Universal Transverse Mercator: 12 455430.89 4505002.57

Name of nearest waterbody: Kimball Creek

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.
- REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
 - Office (Desk) Determination. Date: 03 July 2023
 - Field Determination. Dates: 31 May 2023

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.

nere 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.		
۹.		PPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where cked and requested, appropriately reference sources below):
	CHE	Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: "Warburton Project" mapset; created
		December 13, 2021; CNL Environmental.
	~	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: (National Geodectic Vertical Datum of 1929 / North American Vertical Datum of 1988)
	V	Photographs (Aerial): Google Earth (2022 May, 2021 August, 2020 September, 2019 July, 2018 September, 2017 June, 2016 July, 2015 June, 2013 June, 2011 October, 2010 June, 2009 August, 2006 September, 2006 August, 2004 September, 2002 July, 1997 September, 1993 August)
		Photographs (Other):
		Previous determination(s):
		Applicable/supporting case law:
		Applicable/supporting scientific literature:
	~	Other information (please specify): LiDAR; National Regulatory Viewer, 3DEP Slope, 3DEP Digital Elevation Model, https://arcportal-ucop-
		corps.usace.army.mil/s0portal/apps/MapSeries/index.html?appid=a97521e0d37c402f9c7205514c134c4f

Enclosure 4

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: A site visit was conducted by Corps personnel on 31 May 2023 to assess the depressional features in the northeast portion of the survey area. The delineation report claimed these features to be historic irrigation ditches that have been abandoned. Two sample holes were dug, and it was verified that these features do not meet the hydrology parameter. Existing perennial hydrophytic vegetation (e.g., willows) were dead/dying, likely from a lack of water. The features were vegetated and did not exhibit OHWM indicators.

The only aquatic resource within the survey area, an irrigation ditch (D-1), is being evaluated separately through a PJD.