



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

February 16, 2024

Regulatory Division (SPK-2024-00021)

[REDACTED]

Dear [REDACTED]

We are responding to your December 27, 2024 request for an approved jurisdictional determination for the Dry Creek Highlands site. The approximately 257 acre review area is located west of the of 6400 West and south of 8600 South. Latitude 40.592000°, Longitude -112.053173°, West Jordan, Salt Lake County, Utah (Enclosure 1).

Based on available information, we concur with your aquatic resources delineation for the site, as depicted on the enclosed October 12, 2023 Dry Creek Highlands Floodplain Analysis drawing(s) prepared by [REDACTED] (Enclosure 2). Approximately 3.24 acres (6,925 linear feet) of aquatic resources, consisting of Barneys Creek, Swale A, and Swale B are present within the survey area. This letter verifies that the location and boundaries of non-tidal waters conform with the ordinary high water mark definition at 33 CFR §328.3(c)(7), Regulatory Guidance Letter 05-05, and any applicable regional guide.

Of these aquatic resources, we have determined that those features identified as Barneys Creek, Swale A, and Swale B totaling 3.24 acres (6,925 linear feet) are not waters of the U.S. regulated under Section 404 of the Clean Water Act or under Section 10 of the Rivers and Harbors Act. We are enclosing a copy of the Memorandum for Record prepared to support this Approved Jurisdictional for your site (Enclosure 3). This approved jurisdictional determination is valid for five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. A *Notification of Appeal Process (NAP) and Request for Appeal (RFA) Form* is enclosed (Enclosure 4). If you request to appeal this determination, you must submit a completed RFA form to the

South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPD-PDO, 1455 Market Street, 2052B, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, we must determine that the form is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that the form was received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office unless you object to the determination in this letter.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work. We recommend that you provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

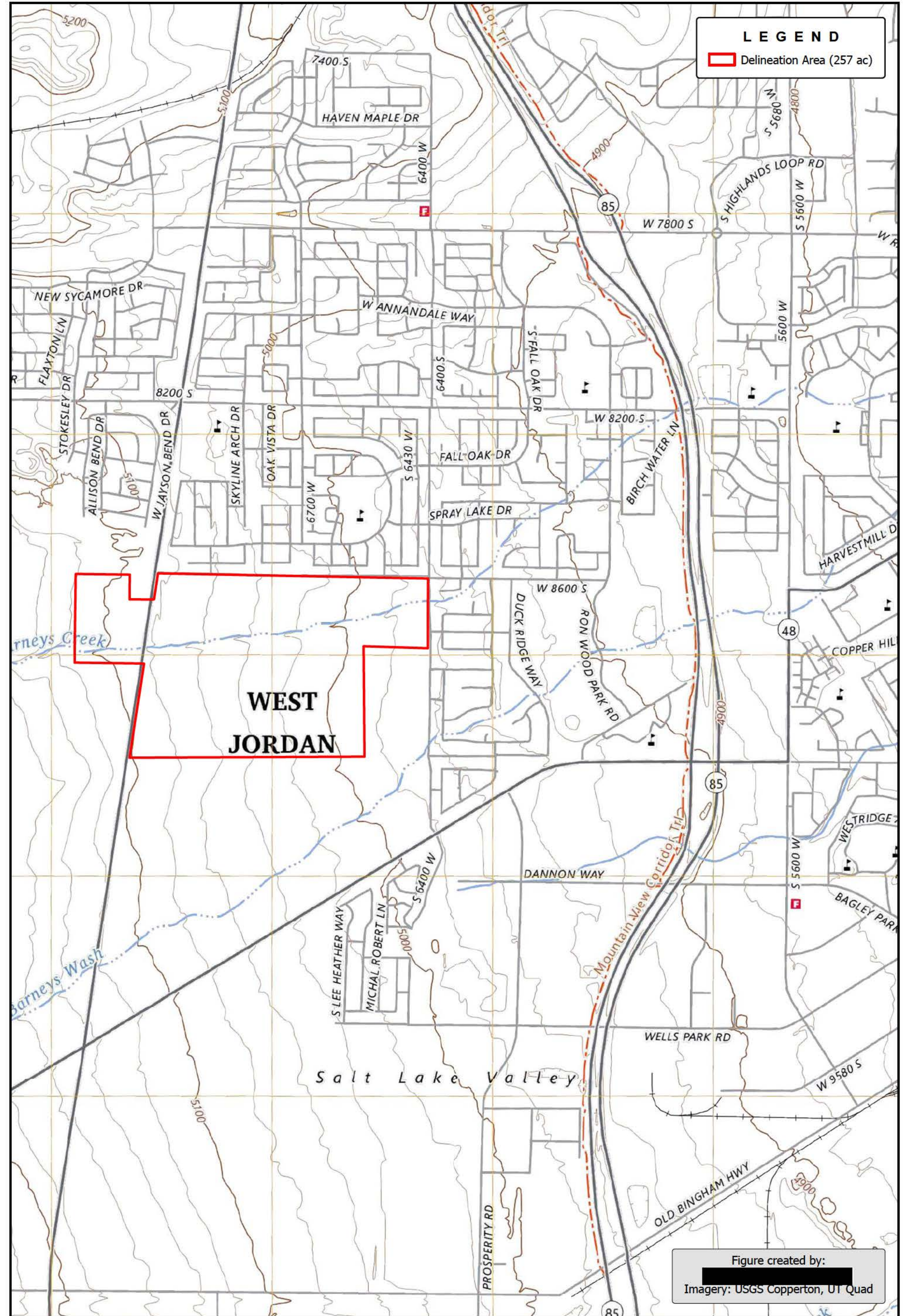
Please refer to identification number SPK-2024-00021 in any correspondence concerning this project. If you have any questions, please contact [REDACTED] [REDACTED]

[REDACTED] [REDACTED]. For program information or to complete our Customer Survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

[REDACTED]
[REDACTED]
For [REDACTED]
[REDACTED]

Enclosures

cc: [REDACTED]



LEGEND

Delineation Area (257 ac)

Figure created by:

Imagery: USGS Copperton, UT Quad

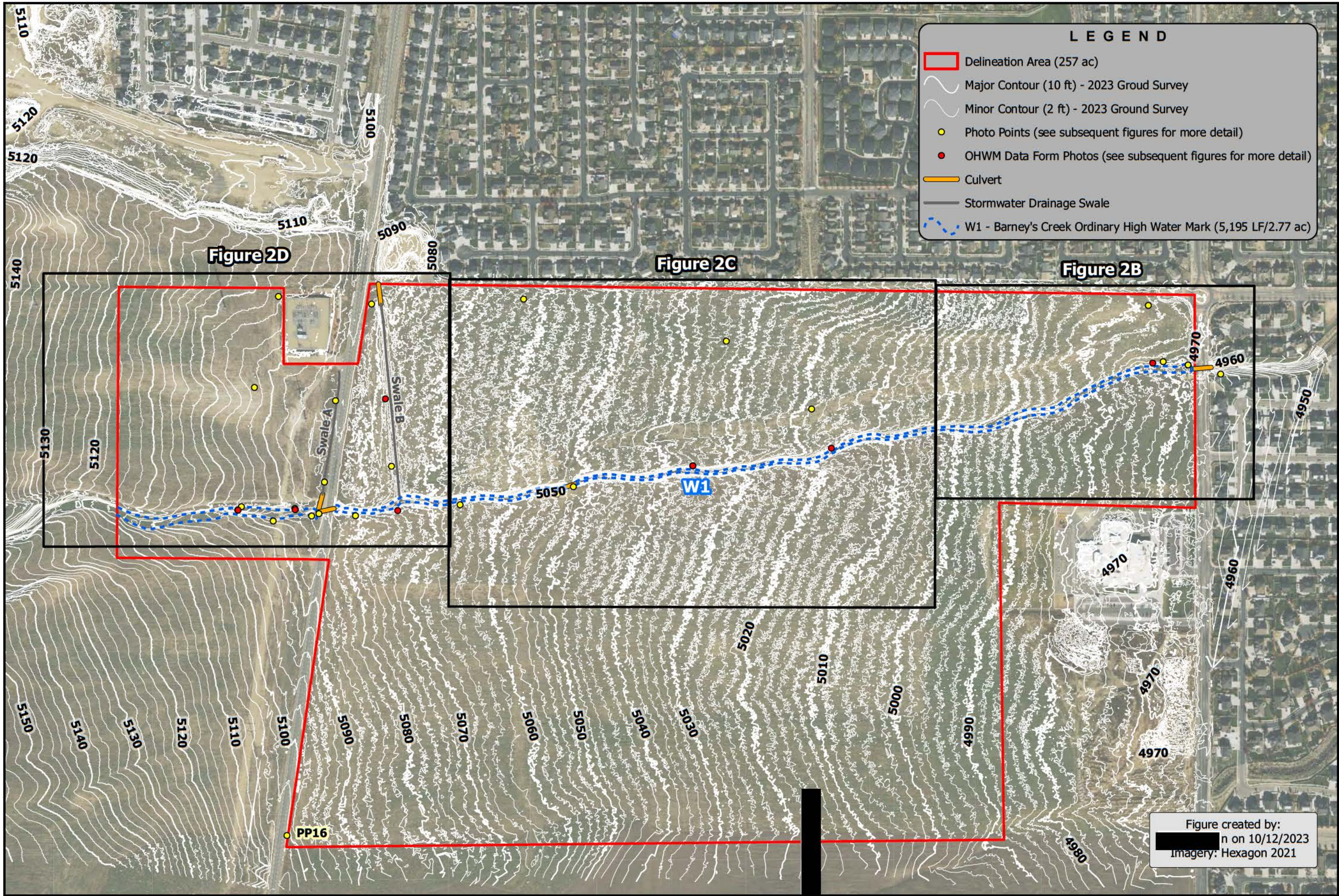




Figure created by:
[redacted] on 10/12/2023
Imagery: Hexagon 2021

LEGEND

Delineation Area (257 ac)

Major Contour (10 ft) - 2023 Groud Survey

SCALE:
0 25 50
Feet

NORTH:

DELINEATION
RESULTS

IVORY HOMES
DRY CREEK HIGHLANDS
FLOODPLAIN ANALYSIS

FIGURE NO.

2B

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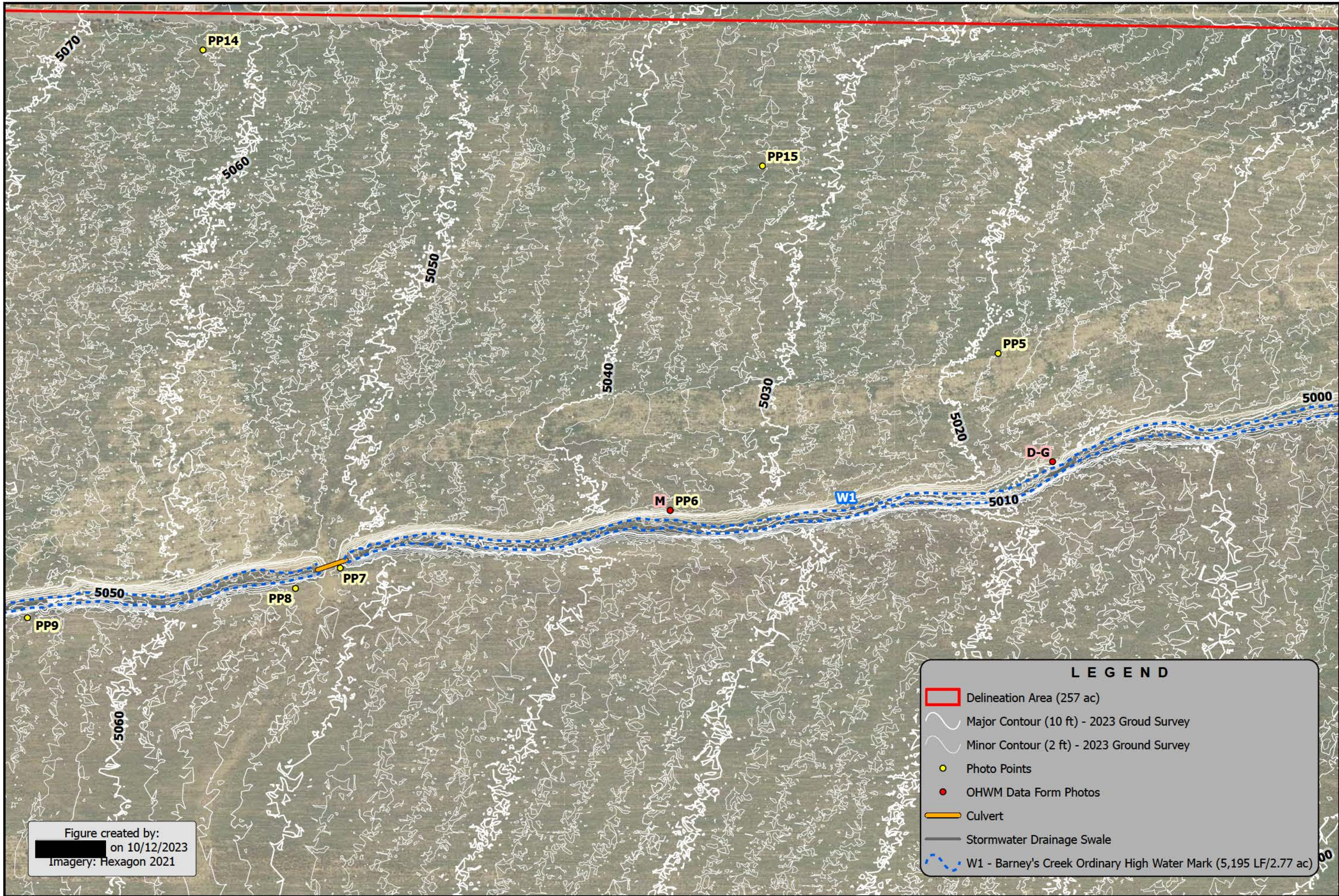


Figure created by:
[REDACTED] on 10/12/2023
Imagery: Hexagon 2021

LEGEND

Delineation Area (257 ac)

Major Contour (10 ft) - 2023 Ground Survey

IVORY HOMES

DRY CREEK HIGHLANDS
FLOODPLAIN ANALYSIS

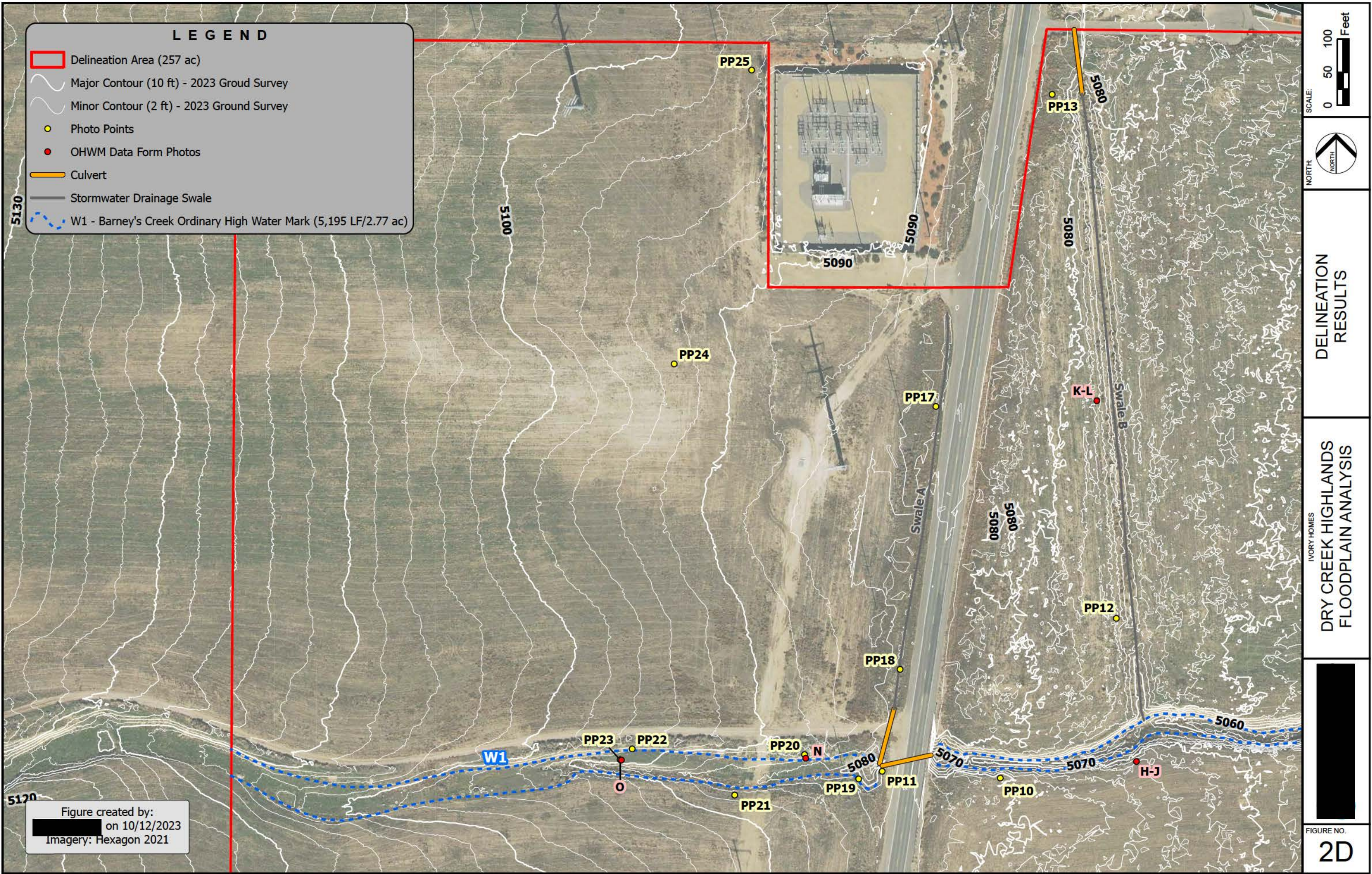
DELINEATION
RESULTS

SCALE:
0 50 100 Feet

NORTH
NORTH

FIGURE NO.
2C

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LEGEND

- Delineation Area (257 ac)
- Major Contour (10 ft) - 2023 Ground Survey
- Minor Contour (2 ft) - 2023 Ground Survey
- Photo Points
- OTHM Data Form Photos
- Culvert
- Stormwater Drainage Swale
- W1 - Barney's Creek Ordinary High Water Mark (5,195 LF/2.77 ac)

DELINEATION RESULTS

DRY CREEK HIGHLANDS FLOODPLAIN ANALYSIS

FIGURE NO. 2D

Figure created by: [redacted] on 10/12/2023
Imagery: Hexagon 2021

IVORY HOMES
DRY CREEK HIGHLANDS FLOODPLAIN ANALYSIS
FIGURE NO. 2D
P:\Ivory Homes\1056-25-01 Dry Creek Highlands Floodplain Analysis\2.0 Design Phase\12.9 GIS\2.9.4 APPO\Environmental\Dry Creek Highlands Delineation.aprx ECAPSON 12/15/2023