

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

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** 10/01/2009.

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Sacramento District, Woodside Homes Scott McLachlan, SPK-2007-01480.  
Name of water being evaluated on this JD form: Wetland Area E and Wetland Area F.

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Utah County: Utah City: Saratoga Springs

Center coordinates of site (lat/long in degree decimal format): Lat: 40.370043 **N**, Long: -111.890316 **W**

Universal Transverse Mercator: 12.

Name of nearest waterbody: Utah Lake to the south and Jordan River to the west.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: None.

Name of watershed or Hydrologic Unit Code (HUC): Utah Lake 16020201.

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. List other JDs: None

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

Office (Desk) Determination. Date: \_\_\_\_\_.

Field Determination. Date(s): July 17, 2009 and September 8, 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: \_\_\_\_\_.

**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):<sup>1</sup>**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (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 \_\_\_\_\_ width (ft) and/or \_\_\_\_\_ acres.

Wetlands: \_\_\_\_\_ acres.

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

Elevation of established OHWM (if known): None.

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **Two isolated depressional wet meadow wetland areas were identified in the center of the property. Area E is 0.19 acres and Area F is 0.15 acres. These depressional areas collect some overland flow. Indicators of hydrology, vegetation, and soils were identified in the depressions. These wetlands are situated at low points in the field. No**

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

<sup>2</sup> 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).

<sup>3</sup> Supporting documentation is presented in Section III.F.

channels, ditches or drainage patters were observevd leading to or from the depressions. An irrigation ditch extends along the west side of the property. This ditch is located approximately 900 feet to the west of the depressions. Flows in this ditch are controlled from a head gate located north of the site. A wetland complex associated with the Jordan River also exists approximately 0.65 miles to the west of the depressions. There did not appear to be any connection between the depressions, irrigation ditch, other wetlands located west of the site, the Jordan River, or Utah Lake.

### SECTION III: CWA ANALYSIS

- A. TNWs AND WETLANDS ADJACENT TO TNWs: NOT APPLICABLE
- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS: NOT APPLICABLE
- C. SIGNIFICANT NEXUS DETERMINATION: NOT APPLICABLE
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE: NOT APPLICABLE
- 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):<sup>4</sup>
- 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: N/A

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

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

F. **NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS:**

- 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).
- 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):

- Non-wetland waters (i.e., rivers, streams): N/A linear feet N/A width (ft).
- Lakes/ponds: N/A acres.
- Other non-wetland waters: N/A acres. List type of aquatic resource: N/A.
- Wetlands: 0.34 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 width (ft).
- Lakes/ponds: N/A acres.
- Other non-wetland waters: N/A acres. List type of aquatic resource: N/A.
- Wetlands: N/A acres.

### SECTION IV: DATA SOURCES.

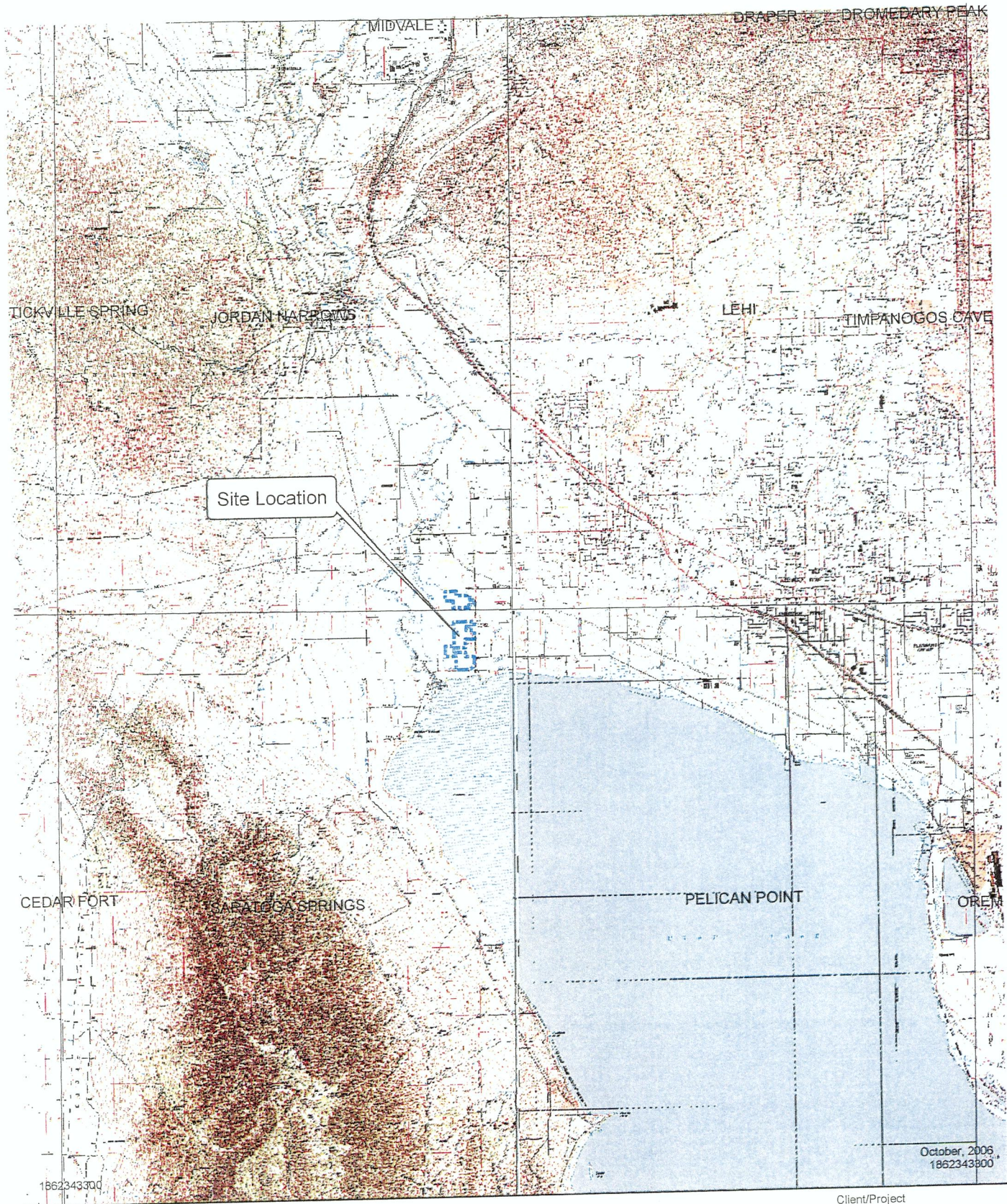
<sup>4</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

**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 9/14/2009 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: \_\_\_\_\_.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Saratoga Springs and Jordan Narrows 1:24K 1951
- USDA Natural Resources Conservation Service Soil Survey. Citation: Maps provided in 9/14/2009 Delineation Report.
- National wetlands inventory map(s). Cite name: Saratoga Springs and Jordan Narrows 1:24K.
- State/Local wetland inventory map(s): \_\_\_\_\_
- FEMA/FIRM maps: \_\_\_\_\_.
- 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Aerial provided in 9/14/2009 Delineation Report  
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:** Wetland Area E and Area F appear to be isolated wetlands with no connection to Utah Lake (TNW) or the Jordan River (RPW). These depressions do not have a surface connection and the nearest possible connection is an irrigation ditch that is located 900 feet to the west. The depressions meet the 3 parameters required for a jurisdictional wetland in the Arid West Manual. Historically this site was irrigated and used for grazing and hay. The site is no longer used for agricultural practices and sits fallow. There were no other potential interstate commerce connections identified for this parcel.





1862343300

October, 2006  
1862343300

Client/Project

Saratoga Springs  
McLachlan Site

Figure No.  
**1.0**

Title

**WETLAND BOUNDARY**

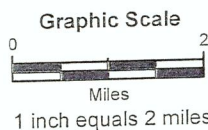


**Stantec**

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**Legend**

 Property Boundary







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**Legend**

Property Boundary; 68.2 ac

**Surveyed Wetlands**

Label

Area E 8,303 ft<sup>2</sup>; 0.19 ac

Area F 6,449 ft<sup>2</sup>; 0.15 ac

Wetland Total: 14,752 ft<sup>2</sup>; 0.34 ac



Graphic Scale



1 inch = 300 feet

Notes

Client/Project  
 McLachlan Site

Saratoga Springs

Title  
**2009 Surveyed Wetlands Enlarged Area**

Project No. 186200886	Scale 1 inch = 300 feet
Drawing No. 5	Sheet 0

