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): August 3, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, **West Davis Corridor**, **SPK-2007-01985-UO**

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: **Utah** County/parish/borough: **Davis** City: **West Point, Syracuse, Layton**, **Kaysville, Farmington, and Centerville**
Center coordinates of site (lat/long in degree decimal format): Lat. **40.9897**°, Long. **-111.9098**°
Universal Transverse Mercator: **12 423474.42 4538007.7**
Name of nearest waterbody: Great Salt Lake
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Great Salt Lake**
Name of watershed or Hydrologic Unit Code (HUC): **Lower Weber, 16020102**
☒ 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:

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☒ Office (Desk) Determination. Date: January 2, 2017 - July 27, 2017
☒ Field Determination. Date(s): May 11-12, 2017; July 5, 2017.

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** "*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: 60.85 acres, consisting of 69,042 linear feet of streams and drainages (10,066 lf/3.81 ac. of named natural streams and 58,076 lf/16.24 ac. of ditches/other drainages) and 40.80 acres of open water ponds.
   Wetlands: 732.65 acres.

   c. **Limits (boundaries) of jurisdiction** based on: Wetland boundaries were established based on the 1987 Delineation Manual and non-wetland water boundaries were based on ordinary high water mark.
   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: Seventeen constructed features totaling 18.29 acres were identified as constructed features that are not considered jurisdictional waters. These areas include golf course water features and man-made water quality treatment facilities such as detention and retention basins that have been constructed in uplands.

[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.

In addition, the survey area contained numerous irrigation ditches and roadside stormwater drainage swales and ditches, and other channel-like features. Ditches and drainage channels that are jurisdictional are included in the 16.24 acres of ditches/other drainages. Ditches that do not appear to carry a relatively permanent flow of water are included on the delineation maps as, "Agricultural/Roadside Ditch", but are not included in the jurisdictional acreages. Other linear features not included on the maps or in the jurisdictional acreage include smaller field ditches and vegetated swales that typically do not exhibit a defined bed and bank or OHWM and do not have a predominance of hydrophytic vegetation.

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: Great Salt Lake (GSL)

Summarize rationale supporting determination: The GSL was determined to be a navigable water as of Utah's date of statehood (January 4, 1896) by the Supreme Court in *State of Utah v. U.S.,* 403 U.S. 9 (1971).

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Most, if not all, of the wetlands within the review area are part of a wetland complex that borders, is contiguous with, and/or neighbors the GSL. All wetlands and waters within the review area are reasonably close to the GSL, supporting the science-based inference that they each have an ecological interconnection with the GSL.

Title 33 Code of Federal Regulations (33 CFR) Part 328.3(8)(c) defines the term "adjacent" as, bordering, contiguous, or neighboring. Most, if not all, of the wetlands within the West Davis Corridor (WDC) review area are part of a wetland complex that borders, is contiguous with, and/or neighbors the GSL. The agencies consider wetlands adjacent if one of the following three criteria is satisfied: First, there is an unbroken surface or shallow sub-surface connection to jurisdictional waters. Second, they are physically separated from jurisdictional waters by man-made dikes or barriers, natural river berms, beach dunes, and the like. Or third, their proximity to a jurisdictional water is reasonably close, supporting the science-based inference that such wetlands have an ecological interconnection with jurisdictional waters. Because of the scientific basis for this inference, determining whether a wetland is reasonably close to a jurisdictional water does not generally require a case-specific demonstration of an ecologic interconnection. In the case of a jurisdictional water and a reasonably close wetland, such implied ecological interconnectivity is neither speculative nor insubstantial.

The Corps has not established a national standard regarding a maximum distance limit for reasonable proximity between adjacent wetlands and the waters to which they are adjacent. However, reasonable considerations would include the scale of the waterbody in question and its association with the surrounding wetlands within the landscape, as well as the characteristics and functions of the specific wetland being evaluated. The GSL covers approximately 1,700 square miles, and is located in an arid area, known as the Central Basin and Range level 3 ecoregion, or the Great Basin Desert. The wetlands within the WDC review area are all located along the eastern shore of the GSL, and are present in their location and configuration in the landscape because of their close association with the GSL. In short, the peripheral wetlands of the GSL are part of the GSL ecological system. These wetlands occur in lower positions in the regional landscape within a transitional area between up gradient arid lands and mountains and the vast expanse of open water and mudflats that comprise the main body of the GSL. These wetlands are situated in landscape positions that allow them to serve important functions that are necessary to maintain the chemical, physical, and biological integrity of the GSL. Such functions include capturing and holding flood waters, interception of sheet flow from uplands, release of water to downstream areas, capturing sediments and pollutants, nutrient transformations and cycling, providing habitat patches that can be utilized by the lake's wildlife for feeding, resting, nesting, and rearing young; and production of detritus, macroinvertebrates, and other biota that support local food webs.

The National Wetlands Inventory (NWI) mapping, wetland mapping on the USGS quadrangles, and multiple years of historic aerial photography for the area all show the substantial increase in wetland area relative to the surrounding landscape in locations immediately adjacent to the GSL. The substantial increase in wetlands that occurs in the area corresponds to areas located south and west of approximately the 4,250 foot elevation line along what is now Bluff Road or "The Bluff," as the locals refer to it. Historic aerial photographs and land use trends suggest that the vast majority of the land located to the south and west of The Bluff was far less suitable for farming than areas further upslope, most-likely due to soil wetness, as evidenced by the numerous drainage features and wetland signatures that can be seen throughout the area on historic aerial photographs (e.g. 1937, 1946). A possible exception may be the farmed areas nearer the lake that can be seen on the 1937 and 1946 aerial photographs. It is possible that construction of deeper ponds and ditches downgradient of the farm fields (along approximately the 4,220 foot contour) may have been effective at establishing enough of a hydrologic gradient to dry out the land sufficient to allow farming in those areas.

It is likely that improved drainage, economics, and modern farming equipment have allowed additional lands in the areas between the bluff and the lakeshore farms to be farmed today. Regardless, it is clear that water accumulates and persists in this area, due to the abundance of water and flat topography that characterize the GSL. Though masked by human modification and development, the accumulation of water in the areas adjacent to the GSL in this area still exists today, and flow of water from these adjacent areas appears to have been affected and likely even accelerated by human development and the associated increase in impervious surfaces, a decrease in wetland acreage, and an increase in the effectiveness of drainage systems. This entire area was historically and remains today inextricably linked with (and is, in-fact, a component of) the GSL ecosystem. The association between the area in question and the greater GSL ecosystem is reflected by the applicant's preferred alignment, which closely follows landscape features associated with the GSL shoreline that are responsible for land use patterns dating back at least eighty years, likely more. In fact, the applicant's preferred alignment could be considered an artifact of the area's historic unsuitability for most human land uses, resulting in fewer impacts to today's built environment, historic farm lands, and wetlands (hence its status as the preferred alignment).

In addition to the aforementioned ecological connections, the vast majority of the wetlands in the review area have unbroken surface or shallow sub-surface connections to jurisdictional waters and/or are physically separated from jurisdictional waters by man-made dikes or barriers or natural berms. Examples of such wetlands include wetlands 08-IW-26A and B, which are connected to the GSL via a culvert and highly managed infrastructure and wetlands 12-IW-59, 12-IW-58A, and 12-IW-18, which are all connected to the GSL via shallow surface/subsurface connections.

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: 850,000 **acres**

Drainage area: 23,653 **acres** (The review area contains seven major tributaries and a network of 63 perennial and/or intermittent drainage channels and ditches, and occupies portions of five HUC 12 basins. The number reported here is the average drainage area of the five HUC 12 basins.)

Average annual rainfall: **22** inches

Average annual snowfall: **50** inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☒ Tributary flows directly into TNW.

☒ Tributary flows through **1 - 5** tributaries before entering TNW. (the 63 perennial and intermittent ditches, canals, and other drainages in this area are arranged in a highly-managed network, and as a result some of these tributaries may have numerous upstream and/or downstream connections to one another prior to reaching one of the 7 named streams or the GSL.)

Project waters are **2-5** river miles from TNW. (typical)

[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 **1 (or less)** river miles from RPW. (typical)
Project waters are **1-2** aerial (straight) miles from TNW. (typical)
Project waters are **1 (or less)** aerial (straight) miles from RPW. (typical)
Project waters cross or serve as state boundaries. Explain: N/A

Identify flow route to TNW[5]: The 63 perennial and intermittent ditches, canals, and other drainages in this area are arranged in a network, and as a result some may have numerous connections to one another prior to reaching one of the 7 named streams or the GSL.
Tributary stream order, if known: Multiple, ranging from first order headwaters to higher order named streams.

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☒ Natural (7 named natural streams)
☒ Artificial (man-made). Explain: The 4,000+ acre survey area is highly altered and managed due to past and current irrigation practices.
☒ Manipulated (man-altered). Explain: Water is highly regulated for irrigation and numerous upstream and in-project diversions affect flow direction, timing, frequency, magnitude, and duration.

Tributary properties with respect to top of bank (estimate):
Average width: 15 feet (typical ditched system)
Average depth: 3 feet typical ditched system)
Average side slopes: **4:1 (or greater).**

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: The named streams are somewhat unstable and have highly-altered flow regimes. Therefore, continued erosion of the stream banks is likely.

Presence of run/riffle/pool complexes. Explain: All of the named natural streams in the review area have been extensively straightened and deepened. The other drainages are extensively modified natural drainages or are artificial and lack riffle/ pool complexes.

Tributary gradient (approximate average slope): < 5%

(c) Flow:
Tributary provides for: **Perennial**
Estimate average number of flow events in review area/year: **1**
Describe flow regime: The named natural streams are perennial and flow year-round. The agricultural and drainage ditches and other drainages with relatively permanent flow mainly flow during the spring and early summer, though pulses of irrigation water may be routed through some of these systems when it is needed.
Other information on duration and volume:

Surface flow is: **Discrete and confined.** Characteristics: **Bed and banks; OHWM**

Subsurface flow: **Unknown**. 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

[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.

☒ leaf litter disturbed or washed away
☒ sediment deposition
☒ water staining
☐ other (list):
☒ scour
☒ multiple observed or predicted flow events
☒ abrupt change in plant community
☐ 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:
☐ oil or scum line along shore objects
☐ fine shell or debris deposits (foreshore)
☐ physical markings/characteristics
☐ tidal gauges
☐ other (list):
☐ Mean High Water Mark indicated by:
☐ survey to available datum;
☐ physical markings;
☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: Varies. Natural streams are generally clear, while the agricultural ditches and drainages can occasionally be turbid or colored by algae.
Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):
☒ Riparian corridor. Characteristics (type, average width): Natural channels typically have a narrow riparian corridor.
☒ 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: These features are used by many species of birds, mammals, reptiles, and amphibians for feeding, resting, and as a water source.

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.

[7]Ibid.

(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: 732.65 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: Direct observation of perennial flow within the named streams and major drainage canals and ditches in the review area.
☒ 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: Direct observation of flow and OHWM within the various drainage canals and ditches in the review area.

Provide estimates for jurisdictional waters in the review area (check all that apply):
☒ Tributary waters: **69,042** linear feet **~15 feet** wide (typical). (**20.05 acres total**)
☒ Other non-wetland waters: **40.8** acres.
Identify type(s) of waters: open water ponds. Note: playas are accounted for in the wetland acreage.

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).

[8]See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

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.

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:
☒ 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; Farmington, Kaysville, Clearfield, and Roy**
☐ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey of Davis-Weber Area, Utah (1968)
☒ 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)

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[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.*

☒ Photographs: ☒ Aerial (Name & Date): 1937, 1946, 1990s, 2003, 2006, 2009, 2011, 2012, 2013, 2014, 2015, 2016 (SCS, USDA-NRCS, Google Earth)
or ☒ Other (Name & Date): Site photographs in delineation report
☐ 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: See file.