

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): July 5, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Epperson Section 20, SPK-2016-00953-UO

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Utah** County/parish/borough: **Salt Lake** City: **Salt Lake City**

Center coordinates of site (lat/long in degree decimal format): Lat. **41.93597°**, Long. **-111.39441°**

Universal Transverse Mercator: **12 467302.54 4642742.66**

Name of nearest waterbody:

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Great Salt Lake**

Name of watershed or Hydrologic Unit Code (HUC): **Jordan, 16020204**

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: **Preliminary JD 201501060 May 5, 2016**

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

Office (Desk) Determination. Date: **June 28, 2017**

Field Determination. Date(s): **March 1, 2016**

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 waters² (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: **8,767 linear feet canal, and 1.62 acres playa.**

Wetlands: **9.73 acres.**

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual and OHWM

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:

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

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.

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:

Summarize rationale supporting determination:

2. **Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent":

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 waterbody⁴ 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: **35,000 square miles**

Drainage area: **805 square miles**

Average annual rainfall: **24 inches**

Average annual snowfall: **59 inches**

(ii) **Physical Characteristics:**

(a) **Relationship with TNW:**

Tributary flows directly into TNW. (**North Point Consolidated Canal to Great Salt Lake**)

Tributary flows through **1** tributaries before entering TNW. (**Unnamed Canal to North Point Consolidated Canal to Great Salt Lake**)

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

Project waters are **1 (or less)** river miles from RPW.

Project waters are **2-5** aerial (straight) miles from TNW.

Project waters are **1 (or less)** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: **Project waters do not cross or serve as state boundaries.**

Identify flow route to TNW⁵: **North Point Consolidated Canal flows directly into the Great Salt Lake, nearest TNW, approximately 2.5 miles west. The Unnamed Canal flows north into the North Consolidated Canal, approximately 3 miles west of the Great Salt Lake.**

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

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.

Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

- Tributary is: Natural
 Artificial (man-made). Explain: **North Point Consolidated Canal is a manmade canal that originates at the Surplus Canal near the Salt Lake International Airport and was constructed to irrigate the surrounding areas. The Unnamed Canal was constructed for irrigation purposes and flows to the north from the adjacent property into the North Point Consolidated Canal. Both canals flow perennially.**
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: **North Point Consolidated 22 feet Unnamed Canal 6 feet**
Average depth: **North Point Consolidated 2-3 feet Unnamed Canal 1-2 feet**
Average side slopes: **2:1.**

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: **Stable**

Presence of run/riffle/pool complexes. Explain: **None**

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): **0-1%**

(c) Flow:

Tributary provides for: **Perennial**

Estimate average number of flow events in review area/year: **1**

Describe flow regime: **Consistent inundation throughout the growing season.**

Other information on duration and volume:

Surface flow is: **Confined.** Characteristics: **Flows are confined to the trapezoidal channels due to the larger banks.**

Subsurface flow: **Unknown.** Explain findings: It is unknown if the canal intercepts groundwater.

Dye (or other) test performed:

Tributary has (check all that apply):

- Bed and banks
 OHWM⁶ (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
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 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.

⁶A 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.

⁷Ibid.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: **Generally clear except after large storm events**

Identify specific pollutants, if known: **Non-point source pollution from upstream agricultural activities and developments.**

(iv) Biological Characteristics. Channel supports (check all that apply):

Riparian corridor. Characteristics (type, average width):

Wetland fringe. Characteristics: **Sporadic areas of *Phragmites australis* and *Distichilis spicata***

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings: **Carp and macroinvertebrates observed in canal**

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: **0.16** acres

Wetland type. Explain: **palustrine emergent**

Wetland quality. Explain: **Poor- monoculture off *Phragmites australis* with areas of *Distichilis spicata***

Project wetlands cross or serve as state boundaries. Explain: **Wetland #4 does not cross or serve as state boundaries.**

(b) General Flow Relationship with Non-TNW:

Flow is: **No flow**. Explain:

Surface flow is: **Not present**

Characteristics:

Subsurface flow: **Yes**. Explain findings: **This berm is likely pervious due to being constructed of clay-silt material found on-site.**

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: **Subsurface flow through a pervious berm.**

Ecological connection. Explain:

Separated by berm/barrier. Explain: **A berm separates the subject Wetland #4 and North Consolidated Canal.**

(d) Proximity (Relationship) to TNW

Project wetlands are **2-5** river miles from TNW.

Project waters are **2-5** aerial (straight) miles from TNW.

Flow is from: **No flow**.

Estimate approximate location of wetland as within the **100 - 500-year** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **Generally clear**

Identify specific pollutants, if known: **Non-point source pollution from adjacent developments and agricultural activities.**

(iii) Biological Characteristics. Wetland supports (check all that apply):

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain: **Dominated by *Phragmites australis* with areas of *Distichilis spicata***

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings: **Macroinvertebrates and the occasional birds**

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **25-30**

Approximately **130** acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
W32-1 Yes	71.96	W17-1 Yes	27.5
W32-2 Yes	11.18	W17-2 Yes	4.4
W32-3 No	1.4	W17-3 Yes	2.3
W32-4 Yes	0.84	W17-4 Yes	0.3
W32-5 Yes	0.52	W17-5 Yes	1.1
W32-6 Yes	0.35	W17-6 No	2.5
W32-7 Yes	0.39	W17-7 Yes	0.2
W32-8 Yes	0.91	W17-8 Yes	0.05
W32-9 Yes	0.11	Wetland 4	0.16
W32-10 Yes	1.86		
W32-11 Yes	0.49		
W32-12 Yes	0.12		
W32-13 Yes	0.05		
W32-14 Yes	0.02		
W32-15 Yes	0.79		
W32-16 Yes	0.1		
W32-17 Yes	0.04		
W32-18 Yes	0.04		
W32-19 Yes	0.1		

Summarize overall biological, chemical and physical functions being performed: **The wetlands except for wetland 4 above are within the adjacent properties and determined to be jurisdictional. Physically, these wetlands provide important floodwater storage/dissipation and groundwater recharge. Biologically, these wetlands provide habitat and food for the many avian species that utilize the Great Salt Lake. Chemically, these wetlands help filter pollutants from non-point sources including adjacent I-80, Salt Lake City International Airport, Wingpointe Golf Course, the developments surrounding 5600 West and adjacent agricultural fields.**

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: **Wetland #4 is separated from the North Consolidated Canal by an approximately 25 foot berm. This berm was constructed with the material that created the canal prior to 1940 and is pervious due to the clay/silt composition. Cumulatively this wetland and the other similarly situated wetlands identified onsite and offsite are considered a wetland/playa complex. This complex provides critical wetland functions such as filtering of pollutants, floodwater storage and groundwater recharge. These onsite wetland functions would become even more critical as the surrounding area is developed for industrial/commercial uses. The filtering of pollutants is one of the more critical functions considering the polluted nature of the Great Salt Lake from urban runoff. Therefore, the Corps has determined that Wetland #4 has a significant nexus with the Great Salt Lake a traditional navigable water of the U.S. regulated under Section 404 of the Clean Water Act.**

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: 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: **Inundation within the North Point Consolidated Canal and the Unnamed Canal could be identified on aerial photos between 1997 and 2016 throughout the seasons.**
 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:

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

- Tributary waters: **8,767** linear feet **6-22** feet wide.
 - Other non-wetland waters: **1.62** acres.
- Identify type(s) of waters: **playa**

3. **Non-RPWs⁸ 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: **Wetland 1 (0.09 acre), 2 (0.02 acre), 3a (8.97 acres), 3b (0.2 acre), 5 (0.29 acre); and Playa 1 (0.12 acre), 2 (0.02 acre), 3 (0.26 acre), 4 (1.22 acres); all directly abut and flow either to the west under the dirt road into a playa area that connects with the North Point Consolidated Canal or to the north and connect with the Goggin Drain Canal. Both of these canals are RPW's of the Great Salt Lake, the nearest TNW.**
 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:

⁸See Footnote # 3.

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 jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: **(Wetland 4) 0.16** 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).

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.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

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.

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: Horrocks Engineering and Kagel 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:
- 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:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth 1997-2016
or Other (Name & Date):
- Previous determination(s). File no. and date of response letter: **201501060 May 5, 2016 Preliminary JD**
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

The approximately 592-acre project site contains 9.73 acres of wetland, 1.62 acres of playa and 8,767 linear feet of canal. This office has determined that these aquatic resources are jurisdictional, since they are RPW's of Great Salt Lake the nearest TNW, are directly abutting an RPW, or have a significant nexus with the Great Salt Lake.

The North Point Consolidated Canal (6,247 linear feet) flows to the west into the Great Salt Lake the nearest TNW, approximately 2.5 miles west. The Unnamed Canal (2,520 linear feet) flows north into the North Point Consolidated Canal. Both of these canals are considered relatively permanent waterways, since inundation could be identified for most of the year on Google Earth aerial images between 1997 and 2016.

Wetlands 1 (0.09 acre), 2 (0.02 acre), 3a (8.97 acres), 3b (0.2 acre), 5 (0.29 acre); and Playas 1 (0.12 acre), 2 (0.02 acre), 3 (0.26 acre), 4 (1.22 acres); all directly abut and flow either to the west under the dirt road into a playa area that connects with the North Point Consolidated Canal, or to the north and connect with the Goggin Drain Canal. Both of these canals are RPW's of the Great Salt Lake, the nearest TNW. These wetlands and playa were considered directly abutting an RPW.

Wetland #4 (0.16 acre) is separated from the North Consolidated Canal by an approximately 25 foot berm that is comprised of pervious clay/silt material borrowed from the wetland area. Cumulatively this wetland and the other wetlands identified onsite and offsite are considered a wetland/playa complex. This complex provides critical wetland functions such as filtering of pollutants, floodwater storage and groundwater recharge. Therefore, Wetland #4 was determined to have a significant nexus with the Great Salt Lake the nearest TNW, approximately 2.5 miles west.