

**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): December 18, 2017**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, South Summit School District, SPK-2017-00884**

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

State: **Utah** County/parish/borough: **Summit County**

City: **Kamas**

Center coordinates of site (lat/long in degree decimal format): Lat. **40.6492381666169°**, Long. **-111.297792342525°**

Universal Transverse Mercator: **12 474822.89 4499862.98**

Name of nearest waterbody: Rockport Reservoir

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Rockport Reservoir**

Name of watershed or Hydrologic Unit Code (HUC): **Upper Weber, 16020101**

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:

Field Determination. Date(s): 08 November 2017

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **appear to be 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.

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):<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: 7,310 linear feet, 3-6 ft wide

Wetlands: 7.96 acres.

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

Elevation of established OHWM:

**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:

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

<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.

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 waterbody<sup>4</sup> 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: **40,146 square miles**

Drainage area: **145 square miles**

Average annual rainfall: **24 inches**

Average annual snowfall: **410 inches**

(ii) **Physical Characteristics:**

(a) **Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through **2** tributaries before entering TNW.

Project waters are **5-10** river miles from TNW.

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

Project waters are **5-10** 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: N/A

Identify flow route to TNW<sup>5</sup>: **The Beaver Creek drainage flows east to west through the property in question. This feature leads to the Weber River, which eventually flows into Rockport Reservoir, a navigable-in-fact TNW.**

Tributary stream order, if known: N/A

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

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

<sup>5</sup> 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 is:  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):  
Average width: **6 feet**  
Average depth: **1-2 feet**  
Average side slopes: **3:1**.

Primary tributary substrate composition (check all that apply):  
 Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover: riparian/70%  
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: **minor erosion**  
Presence of run/riffle/pool complexes. Explain: **none present near survey site**  
Tributary geometry: **Meandering**  
Tributary gradient (approximate average slope): **4-6%**

(c) Flow:

Tributary provides for: **Perennial**  
Estimate average number of flow events in review area/year: **1**  
Describe flow regime: Beaver Creek and **drainage features (X, Y & Z) flow year round.**  
Other information on duration and volume:

Surface flow is: **Discrete and confined**. Characteristics: Flow within the drainages is confined as it enters wetlands F and G. Thereafter, flow becomes unconfined sheet flow to Beaver Creek.

Subsurface flow: **Unknown**. Explain findings:  
 Dye (or other) test performed:

Tributary has (check all that apply):

- Bed and banks
  - OHWM<sup>6</sup> (check all indicators that apply):
    - clear, natural line impressed on the bank
    - changes in the character of soil
    - shelving
    - vegetation matted down, bent, or absent
    - leaf litter disturbed or washed away
    - sediment deposition
    - water staining
    - other (list):
  - Discontinuous OHWM.<sup>7</sup> Explain: **Based upon information supplied by the applicant, drainage features X, Y, and Z flow into upland areas of the survey site, at which point they lose all signs of an ordinary high water mark and then continue as sheet flow to Beaver Creek.**
- the presence of litter and debris  
 destruction of terrestrial vegetation  
 the presence of wrack line  
 sediment sorting  
 scour  
 multiple observed or predicted flow events  
 abrupt change in plant community

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: **Water is generally clear with turbidity during high flow events.**  
Identify specific pollutants, if known: **Rockport Reservoir is limited by low levels of dissolved oxygen, the source of which is largely attributed to sediment accumulation, widened channel conditions, shallow**

<sup>6</sup>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.

<sup>7</sup>Ibid.

water levels, low streamflow during the summer, and a lack of stream shading. Total phosphorus from nearby livestock farms and commercial developments may also lend itself to the cause of this impairment.

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

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics: **Wetlands line the banks of Beaver Creek and the Weber River intermittently to the confluence of the Rockport Reservoir.**
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings: **Rockport Reservoir is stocked with fish which may migrate upstream into the Weber River.**
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

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: **7.96** acres

Wetland type. Explain: **Palustrine Emergent Wetland**

Wetland quality. Explain: **Medium quality. Vegetation is robust and somewhat diverse.**

Project wetlands cross or serve as state boundaries. Explain: **N/A**

(b) General Flow Relationship with Non-TNW:

Flow is: **Perennial flow**. Explain: **Flow into and out of this wetland is perennial and supported by groundwater discharge, precipitation, and runoff from nearby irrigation ditches.**

Surface flow is: **Overland sheetflow**

Characteristics: Aerial imagery shows overland sheetflow across entirety of the Kamas Valley

Subsurface flow: **Unknown**. Explain findings: **N/A**

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 **5-10** river miles from TNW.

Project waters are **5-10** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **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: **Surface water is generally clear with increased sediments during flow events.**

Identify specific pollutants, if known: **Sediment accumulation from surrounding areas and total phosphorus from nearby livestock farms are two of the pollutants that exist within the wetland systems of Kamas Valley.**

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

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: **Majority facultative and obligate vegetative species/100 percent**
- 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: **15-20**

Approximately 7.96 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>
N	0.03	Y	0.11
N	0.47	Y	0.66
Y	0.02	N	1.51
Y	0.04	N	0.02
Y	0.02	N	0.97
N	0.35	N	0.80
N	0.63	N	0.42
N	0.63	N	0.83
N	0.38	Y	0.02
Y	0.03	Y	0.02

Summarize overall biological, chemical and physical functions being performed: **This wetland, in conjunction with other similarly situated wetlands in the area, act to filter chemical pollution from the various nearby agricultural and residential parcels prior to entering the already impaired surface tributary system.**

**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: The ditch features shown on the attached map are near Beaver Creek, a relatively permanent water (RPW) that runs toward the Weber River
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: **The wetlands shown on the attached map are adjacent to Beaver Creek, a relatively permanent water (RPW) that flows into the Weber River and eventually into Rockport Reservoir. With several wetlands formed near the RPW and visible surface flow on aerial photography, it can be assumed that the wetland plays a large part in pollution filtration from nearby agricultural areas in order to reduce the turbidity of the Weber River, which leads to the Rockport Reservoir, a navigable-in fact traditionally navigable water (NIF TNW) – indicating a positive Significant Nexus.**

**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: **The channel supports riparian vegetation, and has perennial flow due to groundwater discharge, snowmelt and agricultural activities taking place on surrounding plots. On aerial photographs, it appears that the channel supports flow year round.**
- 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: **7,310** linear feet **3-6** wide.
  - Other non-wetland waters: acres.
- Identify type(s) of waters:

**3. Non-RPWs<sup>8</sup> 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: **Aerial photographs indicate that overland sheet flow and groundwater discharge connect the wetlands to Beaver Creek throughout the study area. In addition, there is no change in vegetation between the wetlands and Beaver Creek.**
  - 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: **4.1** 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: **3.86** 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.<sup>9</sup>**

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).

<sup>8</sup>See Footnote # 3.

<sup>9</sup> 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):<sup>10</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:
- 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: **October 3, 2017 "Wetlands and Waters Delineation: South Summit School District" by Wise Earth Concepts Inc.**
- 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; Kamas**
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:

<sup>10</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.

- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): **Google Earth 2017**  
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:**

The study area is comprised of 150 acres in which the uplands are dominated by *Carex nebrascensis*, *Juncus balticus*, *Agrostis stolonifera*, and *Alopecurus pratensis* due to historic flood irrigation practices, while the wetlands are dominated by *Carex praeegracilis*, *Carex nebrascensis*, *Juncus balticus*, *Alopecurus pratensis*, *Juncus nevadensis*, and *Agrostis stolonifera*. Several wetland complexes exist within the study area, however, the site boundary breaks these complexes up into 20 distinct wetlands that cumulatively account for 7.96 acres within the site (Wetlands A through T). Wetlands C, D, E, F, G, I, J, K, L, N, O, R, S, and T are all directly abutting RPWs within the study area. Ditches X, Y, and Z are streams that flow constantly onto the site, and stream channels U, V, and W are all segments of Beaver Creek, a perennial stream that flows along the northern portion of the site. The Corps has determined these wetlands and channels to all be jurisdictional in nature.

After performing a significant nexus study, Wetlands A, B, H, M, P, Q were determined to also be jurisdictional, as the degradation of these wetlands and the associated perennial channels could have an adverse impact on water quality and habitats of Rockport Reservoir, which has been listed as impaired for low levels of dissolved oxygen. These wetlands could help remove phosphorus from surface waters prior to their entrance into the open water tributary system that connects to the Weber River, and eventually, the Rockport Reservoir.

Rockport Reservoir has been determined to be the closest TNW that the project site drains into. Rockport Reservoir is utilized heavily for recreation, year round. These activities include boating, fishing, wildlife viewing, swimming, and camping. The Rockport State Park is the main access point for the reservoir and located on the southern section of the reservoir. Recreational facilities include a boat ramp, rest rooms with showers, sewage disposal, several campgrounds, snowmobiling areas, an archery range and fish cleaning stations. Reservoir usage is fee based for both day-use and camping, which has documented interstate commerce.