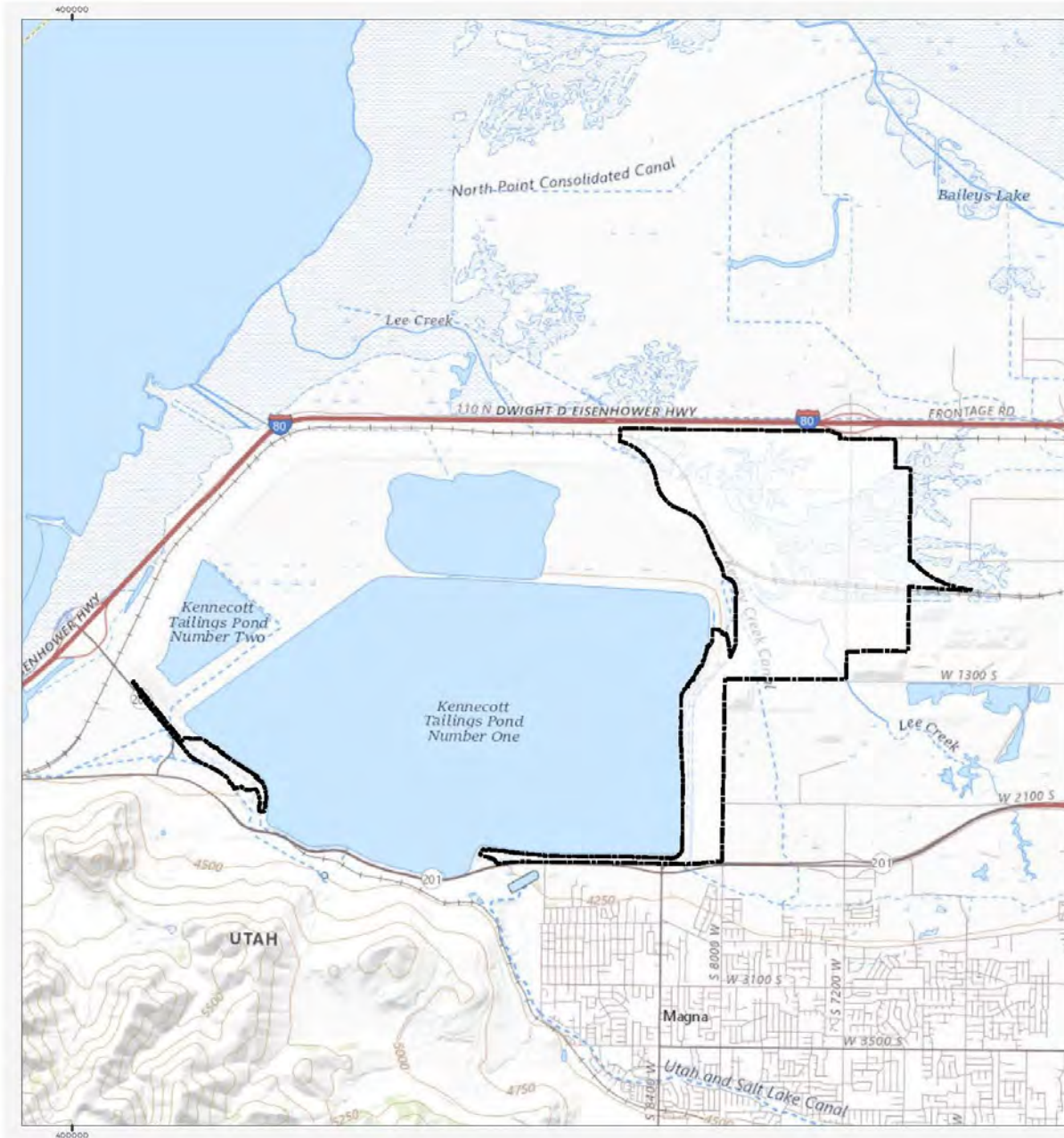


Figure 2. USGS Topographic Map




RioTinto

KENNECOTT UTAH COPPER LLC

2021 Waters of the U.S. Jurisdictional Investigation

USGS Topographic Map

LEGEND

 Area of Investigation



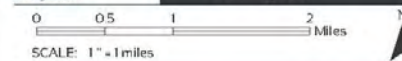
Disclaimer:

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Glenwood Springs, CO 81601
970.304.9040
www.sgm-inc.com

Date: 10/13/2021
Location: 40 73091, 112 16446
Created By: SCM
Drawn By: RKK



SPK-2009-01213


Figure 9. Geographic Areas Map Overview



RioTinto

KENNECOTT UTAH COPPER LLC
 2021 Waters of the U.S.
 Jurisdictional Investigation
 Tailings Area - Geographic
 Areas Overview

LEGEND

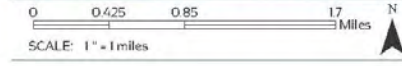
 Geographic Areas




Disclaimer:
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 118 W. Sixth St, Suite 203
 Glenwood Springs, CO 81601
 970.264.9940
 www.sgminc.com

Date: 10/13/2021
 Location: 40 7309L -112 16446
 Created By: SCM
 Drawn By: RKK

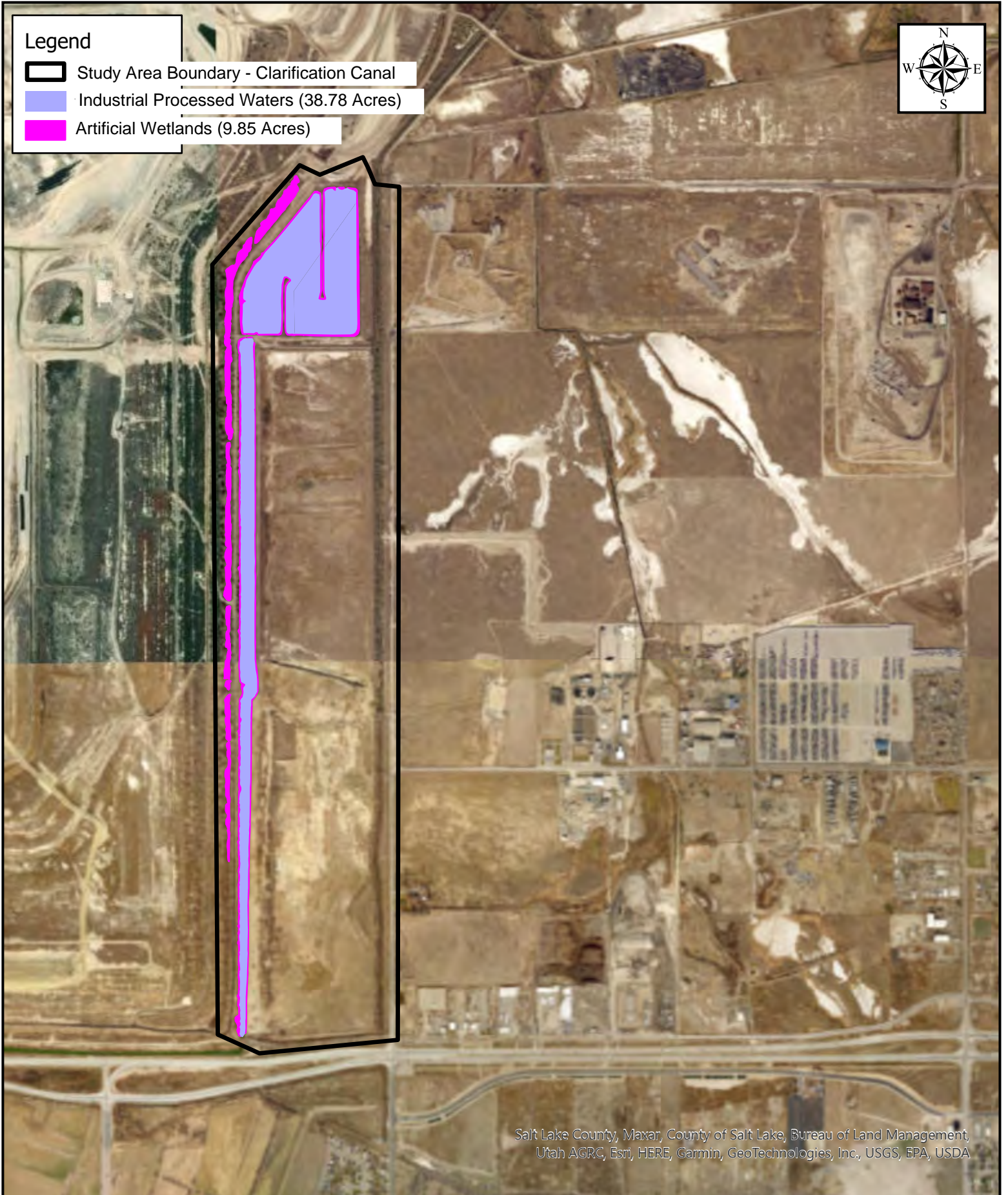


Legend

 Study Area Boundary - Clarification Canal

 Industrial Processed Waters (38.78 Acres)

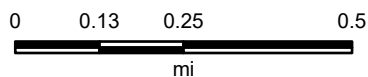
 Artificial Wetlands (9.85 Acres)



Salt Lake County, Maxar, County of Salt Lake, Bureau of Land Management,
Utah AGRC, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA



**SPK-2009-001213
Clarification Canal
Area Approved JD**



Map Center: 112.07864°W 40.729815°N

Map Created by: N. Fresard
Date: 5/18/2022
Coordinate System: WGS 1984 Web
Mercator Auxiliary Sphere

Table D-2 Clarification Canal Area

Wetland/Water ID	Jurisdictional Status	Waters Type	Cowardin Code	Acres	Latitude	Longitude	Local Waterway	Geographic Area
130	Potentially Jurisdictional Non-Wetland WoUS	NRPW	L1UB	0.243	40.74038095830	-112.08313506300		Clarification Canal Area
133	Potentially Jurisdictional Wetlands	RPWWD	PEM	0.467	40.71875640070	-112.08481498700		Clarification Canal Area
134	Potentially Jurisdictional Wetlands	RPWWN	PEM	16.667	40.72403642440	-112.08504015100		Clarification Canal Area
135	Potentially Jurisdictional Wetlands	RPWWN	PEM	0.759	40.72683321940	-112.08475541900		Clarification Canal Area
136	Potentially Jurisdictional Wetlands	RPWWN	PEM	0.073	40.73048749660	-112.08519819400		Clarification Canal Area
137	Potentially Jurisdictional Wetlands	RPWWN	PEM	0.696	40.73097969560	-112.08437367700		Clarification Canal Area
138	Potentially Jurisdictional Wetlands	RPWWD	PEM	21.320	40.73341166830	-112.08556024200		Clarification Canal Area
139	Potentially Jurisdictional Non-Wetland WoUS	NRPW	R3UB	0.475	40.72788394980	-112.08436025400		Clarification Canal Area
140	Potentially Jurisdictional Non-Wetland WoUS	RPW	R3UB	1.851	40.72283109010	-112.08269638100	Riter Canal/C7 ditch	Clarification Canal Area
141	Potentially Jurisdictional Non-Wetland WoUS	RPW	R3UB	3.844	40.73401116130	-112.08270806100	Riter Canal/C7 ditch	Clarification Canal Area
142	Potentially Jurisdictional Wetlands	RPWWD	PEM	0.036	40.72918469470	-112.08260888500		Clarification Canal Area
143	Potentially Jurisdictional Wetlands	RPWWD	PEM	0.714	40.73246680170	-112.08262322700		Clarification Canal Area
144	Potentially Jurisdictional Wetlands	RPWWD	PEM	1.287	40.73298899830	-112.08277090200		Clarification Canal Area
145	Potentially Jurisdictional Wetlands	RPWWD	PEM	0.175	40.73695540540	-112.08263204100		Clarification Canal Area
146	Potentially Jurisdictional Wetlands	RPWWD	PEM	0.042	40.73800618250	-112.08263734000		Clarification Canal Area
147	Potentially Jurisdictional Wetlands	RPWWD	PEM	0.044	40.73871446700	-112.08263671700		Clarification Canal Area
148	Potentially Jurisdictional Wetlands	RPWWD	PEM	0.027	40.73948010290	-112.08263750200		Clarification Canal Area
149	Potentially Jurisdictional Wetlands	RPWWD	PEM	0.256	40.72044128100	-112.08258815500		Clarification Canal Area
150	Potentially Jurisdictional Wetlands	RPWWD	PEM	0.091	40.72222623500	-112.08260517200		Clarification Canal Area
151	Potentially Jurisdictional Wetlands	RPWWD	PEM	1.495	40.72361043350	-112.08271910000		Clarification Canal Area
152	Industrial Process Water	ISOLATE	R3UB	3.152	40.71870673520	-112.11450730700	Clarification	Clarification Canal Area
153	Industrial Process Water	ISOLATE	R3UB	0.067	40.71857574970	-112.11786190500	Clarification	Clarification Canal Area
296	Industrial Process Water	ISOLATE	R3UB	8.507	40.71845637500	-112.10025530200	Clarification	Clarification Canal Area
154	Potentially Jurisdictional Wetlands	RPWWN	PEM	0.421	40.72555226710	-112.08654799300		Clarification Canal Area
155	Potentially Jurisdictional Wetlands	RPWWN	PEM	0.048	40.73630439270	-112.08639138700		Clarification Canal Area
156	Potentially Jurisdictional Wetlands	RPWWN	PEM	0.105	40.73627899690	-112.08573992500		Clarification Canal Area
157	Potentially Jurisdictional Wetlands	RPWWN	PEM	0.008	40.72580468050	-112.08620605100		Clarification Canal Area
158	Potentially Isolated Wetland	ISOLATE	PEM	1.191	40.73965683640	-112.08606061900		Clarification Canal Area
159	Potentially Isolated Wetland	ISOLATE	PEM	2.040	40.73664918250	-112.08761576500		Clarification Canal Area
160	Potentially Isolated Wetland	ISOLATE	PEM	1.222	40.73157797070	-112.08772255000		Clarification Canal Area
161	Potentially Isolated Wetland	ISOLATE	PEM	0.474	40.72867292370	-112.08773464000		Clarification Canal Area
162	Potentially Isolated Wetland	ISOLATE	PEM	0.059	40.72767701840	-112.08773497000		Clarification Canal Area
163	Potentially Isolated Wetland	ISOLATE	PEM	0.314	40.71881182840	-112.11416119700		Clarification Canal Area
164	Potentially Isolated Wetland	ISOLATE	PEM	0.019	40.71891088570	-112.11765278300		Clarification Canal Area
165	Potentially Isolated Wetland	ISOLATE	PEM	0.120	40.71875998660	-112.11656438600		Clarification Canal Area
295	Potentially Isolated Wetland	ISOLATE	PEM	2.058	40.71855327930	-112.10035611200		Clarification Canal Area
166	Potentially Isolated Wetland	ISOLATE	PEM	0.095	40.71848269220	-112.11260360400		Clarification Canal Area

Highlighted features Represent the items included in this AJD Verification for the Clarification Canal

Wetland/Water ID	Jurisdictional Status	Waters Type	Cowardin Code	Acres	Latitude	Longitude	Local Waterway	Geographic Area
167	Potentially Isolated Wetland	ISOLATE	PEM	0.086	40.71904218610	-112.11806846200		Clarification Canal Area
168	Potentially Isolated Wetland	ISOLATE	PEM	0.006	40.71866045740	-112.11786432200		Clarification Canal Area
169	Potentially Isolated Wetland	ISOLATE	PEM	0.006	40.71858981840	-112.11777347600		Clarification Canal Area
170	Potentially Jurisdictional Wetlands	RPWWD	PEM	0.108	40.72823883050	-112.08616456800		Clarification Canal Area
171	Potentially Isolated Wetland	ISOLATE	PSS	0.113	40.71814138540	-112.11697039700		Clarification Canal Area
172	Potentially Jurisdictional Wetlands	RPWWN	PSS	0.348	40.72442589120	-112.08663694800		Clarification Canal Area
173	Industrial Process Water	ISOLATE	L1UB	0.259	40.71837001430	-112.11715737500	Adamson Spring	Clarification Canal Area
174	Industrial Process Water	ISOLATE	R3UB	15.253	40.72876045660	-112.08711707600	Clarification	Clarification Canal Area
175	Potentially Jurisdictional Wetlands	RPWWN	PEM	0.645	40.72781653910	-112.08625723100		Clarification Canal Area
176	Potentially Jurisdictional Wetlands	RPWWN	PEM	0.016	40.72656103030	-112.08652716100		Clarification Canal Area
177	Potentially Isolated Wetland	ISOLATE	PEM	0.710	40.72738653810	-112.08693891500		Clarification Canal Area
178	Potentially Isolated Wetland	ISOLATE	PEM	0.130	40.73969524530	-112.08446975400		Clarification Canal Area
179	Potentially Isolated Wetland	ISOLATE	PEM	0.020	40.74017557940	-112.08395458800		Clarification Canal Area
180	Potentially Isolated Wetland	ISOLATE	PEM	0.047	40.74007042380	-112.08351615600		Clarification Canal Area
181	Potentially Isolated Wetland	ISOLATE	PEM	0.869	40.73791280190	-112.08624473500		Clarification Canal Area
182	Potentially Isolated Wetland	ISOLATE	PEM	0.005	40.73641364110	-112.08700866200		Clarification Canal Area
183	Potentially Isolated Wetland	ISOLATE	PEM	1.410	40.72713168890	-112.08733837200		Clarification Canal Area
184	Potentially Isolated Wetland	ISOLATE	PEM	0.738	40.71894829900	-112.11904511400		Clarification Canal Area
185	Potentially Isolated Wetland	ISOLATE	PEM	0.082	40.71840854300	-112.11717114300		Clarification Canal Area
186	Industrial Process Water	ISOLATE	L1UB	2.167	40.73964733290	-112.08410200800	Settling Pond	Clarification Canal Area
187	Industrial Process Water	ISOLATE	L1UB	11.139	40.73804580160	-112.08593208100	Settling Pond	Clarification Canal Area
188	Potentially Isolated Wetland	ISOLATE	PSS	0.340	40.72684071400	-112.08773534700		Clarification Canal Area
189	Potentially Isolated Wetland	ISOLATE	PSS	0.543	40.72490105390	-112.08772836700		Clarification Canal Area
190	Potentially Jurisdictional Wetlands	RPWWN	PSS	1.313	40.72361803440	-112.08617775600		Clarification Canal Area
220	Potentially Isolated Wetland	ISOLATE	PEM	0.011	40.73650113230	-112.08530236500		Clarification Canal Area
221	Potentially Isolated Wetland	ISOLATE	PEM	0.005	40.73650128000	-112.08547326800		Clarification Canal Area
222	Potentially Isolated Wetland	ISOLATE	PEM	0.580	40.73767720930	-112.08362098400		Clarification Canal Area
223	Potentially Isolated Wetland	ISOLATE	PEM	0.192	40.73794700440	-112.08458764000		Clarification Canal Area
224	Industrial Process Water	ISOLATE	L1UB	10.226	40.73769273290	-112.08430371100	Settling Pond	Clarification Canal Area
225	Potentially Jurisdictional Wetlands	RPWWN	PEM	1.209	40.73919056560	-112.08305759900		Clarification Canal Area
228	Potentially Jurisdictional Wetlands	RPWWN	PEM	0.048	40.74030222120	-112.08322899400		Clarification Canal Area
229	Potentially Jurisdictional Wetlands	RPWWN	PEM	0.087	40.74051118360	-112.08302010300		Clarification Canal Area
294	Potentially Jurisdictional Wetlands	RPWWD	PEM	0.025	40.73554888400	-112.08298896200		Clarification Canal Area
297	Potentially Isolated Wetland	ISOLATE	PEM	0.023	40.71845773030	-112.08725313100		Clarification Canal Area
298	Potentially Isolated Wetland	ISOLATE	PEM	0.871	40.71837373900	-112.10013674600		Clarification Canal Area

Highlighted features Represent the items included in this AJD Verification for the Clarification Canal

**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): May 19, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Tailings Impoundment Area, SPK-2009-01213

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Utah** County/parish/borough: **Salt Lake County** City:
Center coordinates of site (lat/long in degree decimal format): Lat. **40.730753°**, Long. **-112.084026°**
Universal Transverse Mercator: **12 406277.16 4510930.48**

Name of nearest waterbody: Coon Creek

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

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., onsite 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: May 17, 2022

Field Determination. Date(s): March 17, 2022

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):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: linear feet, wide, and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: **Pick List**

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: **The Clarification Canal is part of Kennecott Utah Copper's industrial process water system comprised of drains and channels that are pumped uphill to the Copperton Concentrator, approximately 9 miles to the south of the study area. The industrial process water system is used to process ore and to transport tailings, the waste product of mineral extraction, to the decant pond located on top of the North Tailings Impoundment. From the decant pond, the water either evaporates, is pumped to the clarification canal, returns to the toe drain, or is pumped to Outfalls that discharge into the Great Salt Lake, the closest TNW.**

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.

Although the Clarification Canal along with associated wetland, potentially drain to the Great Salt Lake, the Clarification Canal was constructed as part of a permitted discharge (SPK-1994-50301) for the North Impoundment in 1996 or the historic tailings impoundment constructed prior to the Clean Water Act enactment. These aquatic features are considered treatment facilities and are thus not subject to Section 404 CWA jurisdiction.

The wetlands associated with the Clarification Canal receive hydrology only through rainfall and from the industrial process water system via seepage thru the tailings impoundment. These wetlands are all at a higher elevation of approximately 30 to 50 feet higher than any surrounding jurisdictional waters or any natural water source. If the tailings operation ceased, these wetlands would lose their artificial hydrology and would revert to being uplands.

The Clarification Canal review area is approximately 351 acres and includes the following industrial processed waters and associated wetlands. These wetlands and waters would dry up and revert to uplands if industrial processes and pumping of water ceased. The normal circumstances of these areas are upland and not jurisdictional waters.

Type	Name	Area	
Artificial Wetlands	158	1.19	Acre
Artificial Wetlands	159	2.04	Acre
Artificial Wetlands	160	1.22	Acre
Artificial Wetlands	161	0.47	Acre
Artificial Wetlands	162	0.06	Acre
Artificial Wetlands	177	0.71	Acre
Artificial Wetlands	178	0.13	Acre
Artificial Wetlands	179	0.02	Acre
Artificial Wetlands	180	0.05	Acre
Artificial Wetlands	181	0.87	Acre
Artificial Wetlands	182	0.01	Acre
Artificial Wetlands	183	1.41	Acre
Artificial Wetlands	188	0.34	Acre
Artificial Wetlands	189	0.54	Acre
Artificial Wetlands	220	0.01	Acre
Artificial Wetlands	221	0.01	Acre
Artificial Wetlands	222	0.58	Acre
Artificial Wetlands	223	0.19	Acre
Total Artificial Wetland		9.85	Acre

Type	Name	Area	
Industrial Process Waters	174	15.25	Acre
Industrial Process Waters	186	2.17	Acre
Industrial Process Waters	187	11.14	Acre
Industrial Process Waters	224	10.23	Acre
Total Industrial Process Waters		38.78	Acre

SECTION III: CWA ANALYSIS

- A. TNWs AND WETLANDS ADJACENT TO TNWs: NOT APPLICABLE
- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): NOT APPLICABLE
- C. SIGNIFICANT NEXUS DETERMINATION: NOT APPLICABLE
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. NOT APPLICABLE

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):⁴

- 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): **These are artificial waters that would dry up and revert to uplands if industrial processes and pumping of water ceased.**

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: "Wetlands and Waters of the U.S. Jurisdictional Assessment for the Tailings Impoundment Area, Salt Lake County, Utah" prepared by SGM, Inc. dated December 22, 2021.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report for the Clarification Canal and associated wetlands only.
 - 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; Farnsworth Peak**
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):

⁴ 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.

- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth historic aerial imagery and HistoricAerials.com
or Other (Name & Date): Photographs taken during USACE site inspection on March 17, 2022
 Previous determination(s). File no. and date of response letter:

1. SPK-2009-01213: Approved Jurisdictional Determination (AJD) verified on February 9, 2010
 - Request Date: No information for submittal date.
 - Study area size: Approximately 1,610-acres.
 - Area of WOTUS verified: Approximately 774 acres of waters of the United States, including wetlands.
2. SPK-2009-01213 AJD verified on July 19, 2012
 - Request Date: May 21, 2012
 - Study area size: Approximately 2,630-acres
 - Area of waters of the U.S. verified: Approximately 1,086 acres of waters of the United States, including wetlands. This jurisdictional determination also includes 774 acres of waters of the United States previously identified in our February 9, 2010, Jurisdictional Determination (see No. 1 above).
 - The actual study area for this request was 312 acres. Added to the previously verified waters (774 acres), for a total of 1,086 acres of waters of the U.S. The uplands within the project site include 1,544 acres.
 - This verification included a 0.29-acre water and the 0.19-acre adjacent wetland identified as "Adamson Spring". These areas were consulted with EPA/USACE for a determination of intrastate isolated water with no apparent interstate or foreign commerce connection. As such, this water was determined to not be a water of the U.S.
3. SPK-2009-01213 AJD verified on December 24, 2013
 - Request Date: May 21, 2012, and June 6, 2013
 - Study area size: Approximately 2,649.5-acres
 - Area of waters of the U.S. verified: Approximately 1,087.68 acres of waters of the United States, including wetlands. This jurisdictional determination includes 1,086 acres of waters of the United States previously identified in our July 19, 2012 jurisdictional determination (see No. 2 above.)
 - The actual study area for this request included the 1,086 acres verified on July 19, 2012 in addition to 1.68 acres of waters of the U.S. The uplands within the project site include 1,561.82 acres.
 - This AJD verification was updated on December 24, 2013. Kennecott submitted an updated wetland delineation on June 6, 2013. The updated delineation included an additional 16.56 acres of the proposed Tailings expansion facility. The additional area included a thin strip of land adjacent to the eastern and southern borders of the Clarification Canal. This area was assessed and determined to be not jurisdictional for areas including the Historic Toe Ditch Wetlands, the Toe Ditch, and Clarification Canal.
4. SPK-2013-00514 Preliminary JD verified on February 10, 2014.
 - Request Date: January 7, 2014
 - Study area size: The approximately 625-acre site
 - This verification included 103.69 acres of wetlands and 18,342 linear feet (22.19 acres) that were determined to be potential waters of the U.S.
5. SPK-2021-00209 Preliminary JD verified on October 5, 2021
 - Request Date: September 14, 2021
 - Study area size: Approximately 2,560-acre
 - This verification included 487.20 acres of wetlands, 25.12 acres of tributaries, 48.75 acres of lakes, ponds, and impoundments of water, 51.43 acres of surface water channels, 0.64 acres of ditches, and 98.29 acres that were determined to be potential waters of the U.S.

- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): This request was originally submitted on December 23, 2021, as an AJD verification request for a study area comprised of 2,682 acres surrounding the tailings impoundment area. The proposal was modified to an AJD verification for the 53.45 acres evaluated in this form for artificial processed waters and associated wetlands within the Clarification Canal area and a PJD verification for 54.94 acres of potential waters of the U.S. The original AJD request was modified to facilitate initiation of an individual permit process for the Tailings Extension Project. The PJD verification is being verified concurrently with this AJD verification.

B. ADDITIONAL COMMENTS TO SUPPORT JD: The original 2,682-acre study area was divided into 4 distinct sites, Clarification Canal, Jones Spring, Playa, and Toe Ditch. This AJD form covers approximately 351 acres within the Clarification Canal Area. The Corps is currently reviewing jurisdictional determinations for Jones Spring, Playa, and Toe Ditch; however, these areas are being evaluated independently from the Clarification Canal and will be finalized under a separate review.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Kennecott Utah Copper LLC, Attn: Mr./Ms. Colton Norman	File No.: SPK-2009-01213	Date: May 19, 2022
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
→	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

Enclosure 4

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Nicole Fresard
Senior Project Manager
Nevada-Utah Section
U.S. Army Corps of Engineers
533 West 2600 South, Suite 150
Bountiful, Utah 84010
Phone: (801) 295-8380 ext. 8321, FAX 916-557-7803
Email: Nicole.D.Fresard@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh
Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Pacific Division
1455 Market Street, 2052B
San Francisco, California 94103-1399
Phone: 415-503-6574, FAX: 415-503-6646
Email: Thomas.J.Cavanaugh@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date: _____

Telephone number: _____