

**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): February 18, 2015

Waters assessed on this form: Wash 1-7 and Erosional features 1 and 2

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Fiddler Canyon Solar Project Gen-Tie Line, SPK-2015-00137-SG

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Utah** County/parish/borough: **Iron** City: **Cedar City**

Center coordinates of site (lat/long in degree decimal format): Lat. **37.72234°**, Long. **-113.20734°**

Universal Transverse Mercator: **12 305460.52 4177303.31**

Name of nearest waterbody: **Iron Springs Creek**

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

Name of watershed or Hydrologic Unit Code (HUC): **Escalante Desert, Nevada, Utah., 16030006**

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: **April 14, 2015**

Field Determination. Date(s):

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: **8801** linear feet, wide, and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Established by 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: **There are four water features associated with this determination that do not meet the criteria for waters of the U.S. There are two erosional features (ER 1 and 2) that developed during the storms of September of 2014 and do not exhibit indicators of OHWM and do not connect to any downstream waters. Washes 1 and 3 are man-made ditches that drain along gravel roads within the proposed project area. These were excavated wholly in uplands and receive sheet-flow from the surrounding upland areas.**

SECTION III: CWA ANALYSIS

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.

- Applicable/supporting scientific literature: Brooks, L.E. and J.L. Mason. 2005. Hydrology and simulation of groundwater flow in Cedar Valley, Iron County, Utah. U.S. Department of Interior, Geological Survey. Scientific Investigations Report 2005-5170. Eisinger, C. 1998. A summary of the geology and hydrogeology of the Cedar Valley Drainage Basin, Iron County, Utah. Utah Geological Survey. Harlow, H.A. 2002. The geology of Cedar Valley, Iron County, Utah and its relation to ground-water conditions. Utah Geological Survey
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

The two erosional features and two man-made ditches were determined to be non-jurisdictional features on the landscape. The five water features associated with this proposed project that do meet the criteria for waters of the U.S., flow from the northeast slope of Granite Mountain, from southwest to northeast towards Iron Springs Creek. Several of the washes are compromised by the Iron County Landfill, which is situated between Granite Mountain and Iron Springs Creek. The annual rainfall of 11.3 inches coupled with the permeability of the soils within the area make it highly unlikely that surface water will drain to Iron Springs Creek except in extreme events. The Escalante Desert Basin is not a closed drainage as Iron Springs and Mud Springs Wash flow westerly from the Cedar Valley into the Escalante Desert Basin. Iron Springs Creek drains from Cedar Valley northwest through a gap between Granite Mountain and Three Peaks area and dissipates quickly in the Escalante Desert Basin. Several of the above reports (Section IV.A.) indicate that surface flow through the gap is negligible and any flow is typically diverted for agricultural use. Iron Springs Creek terminates in a playa approximately 22 miles northwest of the proposed project area. Washes 2 and 4-7 exhibit defined channels with OHWM and bed and bank. Drainage features drain primarily from the southwest to the northeast and are intercepted by a railroad berm before entering Iron Springs Creek. Wash 2 drains from Iron Springs Road north towards the railroad berm. There does not appear to be a channel on the north side of the railroad berm to connect to Iron Springs Creek. Wash 4 is culverted under the dirt road and exhibits bed and bank, OHWM and scour. It continues northeast toward Iron Springs Road but appears to terminate at the roadway. There is no sign of a channel between the railroad berm and Iron Springs Creek. Wash 5 does exhibit bed and bank and OHWM and also drains south to north towards Iron Springs Road, but there is no defined channel to the north of Iron Springs Road that connects to Iron Springs Creek. Wash 6 exhibits bed and bank, OHWM, scour and sediment sorting, but also terminates before reaching Iron Springs Road due to a landfill. Wash 7 exhibits bed and bank and OHWM within the proposed project area, but loses definition at Iron Springs Road and does not appear to have a surface water connection with Iron Springs Creek. The Corps found no evidence of interstate commerce within Iron Springs Creek Drainage and concluded that the waters associated with the proposed project are intrastate, isolated waters and are therefore non-jurisdictional.