

**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 1, 2014

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, Tonaquint Nature Center Expansion and Gubler Farm Floodplain Restoration, SPK-2014-00579-SG

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Utah** County/parish/borough: **Washington** City:
Center coordinates of site (lat/long in degree decimal format): Lat. **37.0820476049109°**, Long. **-113.598943816516°**
Universal Transverse Mercator: **12 268983.09 4107134.67**

Name of nearest waterbody: **Santa Clara River**

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

Name of watershed or Hydrologic Unit Code (HUC): **Upper Virgin. Utah., 15010008**

- 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: **July 1, 2014**
 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: **1300** linear feet, **56-ft** wide, and/or **1.0** 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): NA

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: NA

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

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).

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 waterbody³ 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: **770 square miles**
Drainage area: **242.0 acres**
Average annual rainfall: **8.18 inches**
Average annual snowfall: **3.1 inches**

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through **1** tributaries before entering TNW.

Project waters are **1-2** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **1-2** 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: **The Santa Clara River crosses tribal boundaries upstream of the project area. The Virgin River downstream of the Santa Clara River has been determined to be a navigable in fact water**

Identify flow route to TNW⁴: **Santa Clara River flows into the Virgin River, an interstate, perennial tributary of the Colorado River.**

Tributary stream order, if known: **3**

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

Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

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

Average width: **205 feet**
Average depth: **2 feet**
Average side slopes: **Vertical (1:1 or less).**

Primary tributary substrate composition (check all that apply):

- Silts
- Sands
- Cobbles
- Gravel
- Bedrock
- Vegetation. Type/% cover:
- Concrete
- Muck

³ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁴ 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.

Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: **Soils in this area are highly erosive. The current condition is somewhat stable but banks have been sloughing off and a significant amount of land has been lost due to erosion.**

Presence of run/riffle/pool complexes. Explain: **Riffles, runs and pools are not present within the proposed project area.**

Tributary geometry: **Meandering**

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

(c) Flow:

Tributary provides for: **Perennial**

Estimate average number of flow events in review area/year: **2-5**

Describe flow regime: **A perennial stream but flows are very low during summer months due to storage at Gunlock Reservoir and irrigation usage.**

Other information on duration and volume: **See Natural Channel Design, Inc. 2005. Master Plan: Santa Clara River. Washington County Conservancy District, St. George, Utah.**

Surface flow is: **Confined**. Characteristics:

Subsurface flow: **Unknown**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

- Bed and banks
- OHWM⁵ (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.⁶ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that

apply):

- High Tide Line indicated by:
 - oil or scum line along shore objects
 - fine shell or debris deposits (foreshore)
 - physical markings/characteristics
 - tidal gauges
 - other (list):
- Mean High Water Mark indicated by:
 - survey to available datum;
 - physical markings;
 - vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: **Water is typically sediment laden.**

Identify specific pollutants, if known: **TDS is a problem within the Santa Clara River and is related to streambank erosion, dry weather flows and irrigation return flows.**

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

- Riparian corridor. Characteristics (type, average width): **The riparian corridor is approximately 50-ft wide and contains mainly willow with some Tamarisk. Cattails are located within the channel.**
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings: **In an arid environment, water is usually an attractant for all kinds of aquatic and terrestrial wildlife. It is likely that this area is relatively high in diversity.**

⁵A 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.

⁶Ibid.

- Applicable/supporting scientific literature: **Natural Channel Design, Inc. 2005. Master Plan: Santa Clara River. Washington County Conservancy District, St. George, Utah.**
- Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

The Santa Clara River is a perennial stream system that flows directly into the Virgin River, which is a navigable in fact, interstate tributary of the Colorado River. Therefore, the Santa Clara River is a jurisdictional water of the U.S.