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
SECTION I:	DACKGROUND	INFURINATION

- 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°, Long113.20734°
	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):
	CTION II: SUMMARY OF FINDINGS
A.	RHA SECTION 10 DETERMINATION OF JURISDICTION.
The	ere Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329)
in th	ne 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.

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 waters ² (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
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

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).

Supporting documentation is presented in Section III.F.

A. TNWs AND WETLANDS ADJACENT TO TNWs: NA

☐ Applicable/supporting case law:

- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): NA
- C. SIGNIFICANT NEXUS DETERMINATION: NO TNW IS LOCATED WITHIN THE PROPOSED PROJECT AREA
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): NA
- Е

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): NA
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): Washes 1 and 3 are man-made drainage ditches that drain only sheetflow from surrounding upland areas. These two washes do not connect to any downstream surface water connections. Erosional features 1 and 2 appear to be from run-off events in the Fall of 2014 and do not exhibit bed and bank or OHWM features. They also do not connect to any other downstream features. There are no TNW's within the watershed and there was no evidence of interstate commerce associated with Iron Springs Creek or associated tributaries.
	Provide acreage estimates for non-jurisdictional waters in the review area, where the <u>sole</u> 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.
SE	CTION 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: 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; UT-CEDAR CITY NW 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 Geodectic Vertical Datum of 1929) Photographs: Aerial (Name & Date): or Other (Name & Date):
	Previous determination(s). File no. and date of response letter:

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-mad 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.