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 19, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Sacramento District, **Canyon Rims SRMA Road Network Project, UT FTBL 7133(1)**, **SPK-2015-00909**

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: **Utah** County/parish/borough: **San Juan** City:
Center coordinates of site (lat/long in degree decimal format): Lat. **38.25718**°, Long. **-109.5817**°
Universal Transverse Mercator: **12 624089.81 4235301.4**
Name of nearest waterbody: **Colorado River**
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Colorado River**
Name of watershed or Hydrologic Unit Code (HUC): **Upper Colorado-Kane Springs, 14030005**
☒ 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 26, 2016**
☐ 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 and are not** "*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 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

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
      Non-wetland waters: **800 linear feet, 0.067 acres**.
      Wetlands: 0 acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Established by OHWM**
      Elevation of established OHWM (if known): Not 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: **ARs 2, 3, 4, 5, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 27, 28, 29, 30, 32, 33, 39, 40, 44, and 46, are all non-RPWs within the survey areas that lose their OHWM and bed/bank indications a relatively short distance downstream of the survey point (within a mile in all cases). This is likely due to infiltration facilitated by flat, low gradient terrain and very low rainfall.**

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.

A. TNWs AND WETLANDS ADJACENT TO TNWs

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[4] 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: **437 square miles**
Drainage area: **55 square miles**
Average annual rainfall: **8.4 inches**
Average annual snowfall: **9 inches**

(ii) Physical Characteristics:
(a) Relationship with TNW: There are 10 Jurisdictional project waters. All jurisdictional project waters flow to the same TNW (Colorado River), and do not cross or serve as state borders.

AR10:
Project water is ephemeral and flows through 2 ephemeral tributaries before entering TNW.
River miles from TNW: 5
River miles to RPW: No intermediate RPW
Aerial miles to TNW: 3.4
Aerial miles to RPW: N/A
Flow route: Tributary a, which flows through review area, to tributary b, which flows directly to TNW.
Project water is 1st order stream

AR11:
Project water is ephemeral and flows through 3 ephemeral tributaries before entering TNW.
River miles from TNW: 5

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

River miles to RPW: No intermediate RPW
Aerial miles to TNW: 3.4
Aerial miles to RPW: N/A
Flow route: Tributary c, which flows through review area, to tributary a, to tributary b, which flows directly to TNW.
Project water is 1st order stream

AR12:
Project water is ephemeral and flows through 4 ephemeral tributaries before entering TNW.
River miles from TNW: 5
River miles to RPW: No intermediate RPW
Aerial miles to TNW: 3.4
Aerial miles to RPW: N/A
Flow route: Tributary d, which flows through review area, to tributary c, to tributary a, to tributary b, which flows directly to TNW.
Project water is 1st order stream

AR35:
Project water is ephemeral and flows through 1 tributary before entering TNW.
River miles from TNW: 16
River miles to RPW: No intermediate RPW
Aerial miles to TNW: 10
Aerial miles to RPW: N/A
Flow route: Tributary e, which flows through review area directly to TNW.
Project water is 1st order stream

AR47:
Project water flows through 3 tributaries before entering TNW.
River miles from TNW: 43
River miles to RPW: 5.5
Aerial miles to TNW: 25.5
Aerial miles to RPW: 4.6
Flow route: Ephemeral tributary f, which flows through the review area, to ephemeral tributary g, which becomes an RPW approximately 5.5 river miles from the review site, to Kane Springs Creek (an RPW), which flows directly to the TNW.
Project water is 1st order stream

AR48:
Project water flows through 4 tributaries before entering TNW.
River miles from TNW: 43
River miles to RPW: 5.5
Aerial miles to TNW: 25.5
Aerial miles to RPW: 4.5
Flow route: Ephemeral tributary h, which flows through the review area, to ephemeral tributary f, which flows to ephemeral tributary g, which becomes an RPW approximately 5 river miles from the review site, to Kane Springs Creek (an RPW), which flows directly to the TNW.
Project water is 1st order stream

AR49:
Project water flows through 4 tributaries before entering a TNW.
River miles from TNW: 43
River miles to RPW: 5.3
Aerial miles to TNW: 25
Aerial miles to RPW: 4.6
Flow route: Ephemeral tributary i, which flows through the review area, to ephemeral tributary f, which flows to ephemeral tributary g, which becomes an RPW approximately 5 river miles from the review site, to Kane Springs Creek (an RPW), which flows directly to the TNW.
Project water is 1st order stream

AR50:
Project water flows through 4 tributaries before entering a TNW.
River miles from TNW: 42
River miles to RPW: 5.2
Aerial miles to TNW: 25
Aerial miles to RPW: 4.2
Flow route: Ephemeral tributary j, which flows through the review area, to ephemeral tributary f, which flows to ephemeral tributary g, which becomes an RPW approximately 5 river miles from the review site, to Kane Springs Creek (an RPW), which flows directly to the TNW.
Project water is 1st order stream

AR51:
Project water flows through 4 tributaries before entering a TNW.
River miles from TNW: 42

River miles to RPW: 4.3 miles
Aerial miles to TNW: 24.5
Aerial miles to RPW: 3.4
Flow route: Ephemeral tributary k, which flows through the review area, to ephemeral tributary f, which flows to ephemeral tributary g, which becomes an RPW approximately 5 river miles from the review site, to Kane Springs Creek (an RPW), which flows directly to the TNW.
Project water is 1st order stream

AR52:
Project water flows through 3 tributaries before entering a TNW.
River miles from TNW: 40
River miles to RPW: 4.3 miles
Aerial miles to TNW: 24.5
Aerial miles to RPW: 3.4
Flow route: Ephemeral tributary m, which flows through the review area, to ephemeral tributary g, which becomes an RPW approximately 7 river miles from the review site, to Kane Springs Creek (an RPW), which flows directly to the TNW.
Project water is 1st order stream

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

Tributary is:
☐ Natural
☐ Artificial (man-made). Explain:
☒ Manipulated (man-altered). Explain: **The multiple tributaries considered in this AJD all flow through road culverts within the review areas.**

Tributary properties with respect to top of bank (estimate):
Average width: 3.6 feet
Average depth: 0.25 feet
Average side slopes: **No data provided. The tributary slopes within the review areas are likely highly variable between upstream and downstream ends of the culvert crossing.**

Primary tributary substrate composition (check all that apply):

☐ Silts	☒ Sands	☐ Concrete
☐ Cobbles	☒ Gravel	☐ Muck
☒ Bedrock	☒ Vegetation. Type/% cover: **Variable, 0-10%**	
☐ Other. Explain:		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: due to the erodible soils and the effect of the culvert on flows within the review area, the bed and banks of the tributaries are unstable within the review area.
Presence of run/riffle/pool complexes. Explain: None
Tributary geometry: **Meandering**
Tributary gradient (approximate average slope): <1% in review area

(c) Flow:
Tributary provides for: **Ephemeral flow**
Estimate average number of flow events in review area/year: **2-5**
Describe flow regime: **Infrequent, Short term events**
Other information on duration and volume: **Tributaries within the review areas are first order streams on a mesa, at the mid-to upper end of their catchment areas, therefore would be expected to have low flow volume and duration. Flows and volume would be increased over the natural state in the area due to the impermeable road surface in and near the review area. None of the existing culverted crossings appear to have had excessive erosion at their outlets or indications of flow over the road surface.**

Surface flow is: **Discrete and confined.** Characteristics:

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

Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[5] (check all indicators that apply):

[5]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.

☐ 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):
☒ 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

☐ 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: **No rain event observed. However, given the area, ephemeral flows would likely be characterized by high sediment load and no pollutants other than those that might be washed off the road surface.**

Identify specific pollutants, if known:

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

☐ Riparian corridor. Characteristics (type, average width):
☐ 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:

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: acres
Wetland type. Explain:
Wetland quality. Explain:
Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:
Flow is: **Pick List**. Explain:

Surface flow is**:** **Pick List**
Characteristics:

Subsurface flow: **Pick List**. Explain findings:
☐ 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 **Pick List** river miles from TNW.
Project waters are **Pick List** aerial (straight) miles from TNW.

[6] Ibid.

Flow is from: **Pick List.**
Estimate approximate location of wetland as within the **Pick List** 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:
Identify specific pollutants, if known:

(iii) Biological Characteristics. Wetland supports (check all that apply):
☐ Riparian buffer. Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
☐ 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: **Pick List**
Approximately acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

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 food webs?
- 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: **ARs 10, 11, 12, 35, 47, 48, 49, 50, 51, and 52 all appear to have an uninterrupted OHWM downstream of the surveyed areas and convey ephemeral flows directly or indirectly to the Colorado River. Their catchment areas are vegetated with sagebrush and other typical arid land vegetation and are known to be well used as mule deer winter range. Within the watershed, ephemeral tributaries provide pulses of the nutrients and organic carbon to the Colorado River, supporting downstream food webs. The presence of an OHWM and an uninterrupted flow path suggests that these tributaries carry floodwaters containing pollutants,**

nutrients, and organic carbon downstream to the Colorado River, and therefore have a physical, chemical, and biological effect on the integrity of the TNW.

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:

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:

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:
   - ☐ 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: linear feet wide.
   - ☐ Other non-wetland waters: acres.
     Identify type(s) of waters:

3. **Non-RPWs[7] 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: **800** linear feet**, 3.6** feet wide (average).
   - ☐ 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:

   - ☐ 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: 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 jurisidictional. Data supporting this conclusion is provided at Section III.C.

   Provide acreage estimates for jurisdictional wetlands in the review area: 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]See Footnote # 3.

7. Impoundments of jurisdictional waters.[8]
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).

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):[9]
☐ 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, feet wide (average).
☐ 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:
☒ 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:

[8] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[9] 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.*

- ☒ 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-EIGHTMILE ROCK**
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **"NRCS Custom Soil Resource Report for Canyonlands Area, Utah-Parts of Grand and San Juan Counties and Canyonlands National Park, Utah, July 17, 2015"**
- ☐ 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): Google Earth Pro, July 27, 2015
  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 Federal Highways Administration (FHWA) submitted a wetland and waters delineation report and AJD request for a road project in the Canyon Rims Special Recreation Management Area (SRMA). The project area is located on Bureau of Land Management (BLM) administered lands approximately 32 miles south of Moab, in San Juan County, UT. The areas addressed within the report were limited to a 25 foot buffer on either side of the existing road prism, and only at areas where the planned road project disturbance would occur outside the existing road prism. The total amount of area surveyed was approximately 120 acres along 19.3 miles of Needles Overlook and Anticline Overlook Roads.

The Canyon Rims SRMA is situated on top of a mesa encompassing 157 square miles, within the Canyon Lands section of the Colorado Plateau. Waters from the surveyed areas on this mesa drain via ephemeral drainages to the Colorado River (to the north and west), or (to the east) the Colorado River via Kane Springs Creek, an RPW. The area annually receives 8.4 inches of rain and 9 inches of snowfall, for a total of 9 inches of annual precipitation. The areas surveyed occur in a total of 10 HUC 12s within the same HUC 8 (Upper Colorado-Kane Springs, 14030005), and were with 16 total catchments (NHD local drainage sections). All surveyed aquatic resources were ephemeral.

In the areas surveyed in the report, 52 potential aquatic resources were identified and evaluated. Seventeen potential aquatic resources had no OHWM and/or bed and bank identifiers and were classified as non-waters. Of the remaining 35 aquatic resources, 10 were determined to be jurisdictional waters due to their un-interrupted indirect surface connection to the Colorado River, and the remaining 25 were determined to be non-jurisdictional because they were isolated waters where flows likely infiltated or permanently reverted to overland flow within a short distance of the survey points.

Jurisdictional Waters:

AR10 is an un-named non-RPW associated with an NHD flowline. ARs 11 and 12 are two adjacent non-RPWs within the same catchment area that merge with AR 10 several hundred feet downstream of the surveyed areas. This channel becomes progressively larger as it collects additional ephemeral tributaries and enters the Colorado River approximately 5 river miles from the survey point.
AR 35 flows to a drainage associated with an NHD flowline, which collects additional ephemeral tributaries and continues downstream to the Colorado River approximately 16 river miles from the survey point.
ARs 47, 48, 49 and 50 are non-RPWs within the same catchment area that flow individually several hundred feet to an un-named non-RPW associated with an NHD flowline. That drainage connects to an un-named non-RPW that becomes an intermittent stream approximately 5 river miles from the survey point, and then connects to Kane Springs Creek, an RPW, which then flows to the Colorado River approximately 43 stream miles downstream from the survey areas.
AR 51 is a non-RPW associated with an NHD flowline that flows into the same downstream path as ARs 47-50.
AR 52 is a non-RPW associated with an NHD flowline that flows off the project mesa within 4 miles of the survey point and from that point follows the same path to the Colorado River as ARs 47-51.
The downstream paths of ARs 10, 11, 12, 35, 47, 48, 49, 50, 51, and 52 all appear to have an uninterrupted OHWM and in all cases join drainages associated with NHD flowlines, which flow directly or indirectly to the Colorado River. The Corps has determined these Aquatic Resources to be jurisdictial due to their apparent surface connection to the Colorado River.

Non-Jurisdictional Waters:

ARs 2, 3, 4, 5, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 27, 28, 29, 30, 32, 33, 34, 39, 40, 44, and 46 are all non-RPWs within the survey areas that lost their OHWM and bed/bank indications a relatively short distance downstream of the survey point (within a mile in all cases). This was likely due to infiltration facilitated by flat, low gradient terrain, small

catchment areas and very low rainfall. The Corps has determined these waters to be non-jurisdictional because they are intrastate, isolated non-navigable waters with no interstate commerce connection.