



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

May 5, 2017

Regulatory Division (SPK-2016-00793)

Mr. Clark Ence
2424 Vineyard Drive
Santa Clara, Utah 84765

Dear Mr. Ence:

We are responding to your October 15, 2016 request for an approved jurisdictional determination for the Ence Ranch - Mountain Meadows - AJD site. The approximately 279-acre project site is located 0.5 mile east of State Route 18, on West Pinto Road, near the area known as Mountain Meadows, Latitude 37.511211°, Longitude - 113.619669°, Washington County, Utah (enclosure 1).

Based on available information, we concur with your aquatic resources delineation for the site, as depicted on the enclosed drawing titled "Ence Ranch Aquatic Resources Survey," prepared by J. Boe of the USACE and dated March 31, 2017 (enclosure 2). Approximately 0.54 acre of aquatic resources, consisting of 5,728 linear feet of ephemeral stream, are present within the survey area. These aquatic resources are intrastate isolated aquatic resources with no apparent interstate or foreign commerce connection. As such, these aquatic resources are not currently regulated by the U.S. Army Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act.

We are enclosing a copy of the *Approved Jurisdictional Determination Form* for your site (enclosure 3). This approved jurisdictional determination is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331.

A *Notification of Appeal Process (NAP) and Request for Appeal (RFA) Form* is enclosed (enclosure 4). If you request to appeal this determination, you must submit a completed Request for Appeal form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPDPDO, 1455 Market Street, 2052B, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for a Request for Appeal to be accepted by the Corps, we must determine that the form is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that the form was received by the Division Office within 60 days of the date of the Notification of Appeal Process. It is not necessary to submit an RFA form to the Division Office unless you object to the determination in this letter.

We recommend you should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This approved jurisdictional determination has been conducted to identify the limits of aquatic resources subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act for the particular site identified in this request.

We appreciate feedback, especially about interaction with our staff and our processes. For program information or to complete our Customer Survey, visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Please refer to identification number SPK-2016-00793 in any correspondence concerning this project. If you have any questions, please contact Craig Brown at the Saint George Regulatory Field Office, 196 East Tabernacle Street, Suite 30, Saint George, Utah 84770-3474, by email at Craig.J.Brown@usace.army.mil, or telephone at (435) 986-3979.

Sincerely,



Jason A. Gipson
Chief, Utah-Nevada Section

Enclosures