



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): [December 2, 2020](#).

ORM Number: [SPK-2019-00074](#).

Associated JDs: [N/A](#).

Review Area Location¹: State/Territory: [Utah](#). City: [St George](#). County/Parish/Borough: [Washington](#).

Center Coordinates of Review Area: Latitude [37.27193](#). Longitude [-113.31226](#).

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: [N/A](#).
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.



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B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A. acres		N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A. acres		N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A. acres		N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A. acres		N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A. acres		N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Gap Wash	2,293 Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Gap Wash is an ephemeral channel that only flows in direct response to precipitation. The drainage basin for this area is desert shrub-scrub and does not accumulate snow within the site or within the areas to the west. Vegetation along the

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				ephemeral features is xeric shrub scrub and grasses with no riparian species typical for the desert southwest, such as, coyote willow (<i>Salix exigua</i>). A review of historic aerials focusing on times of non-drought conditions, snowpack or when flows would be expected for an intermittent feature, resulted in no signatures of saturation or inundation for the features or adjacent areas. Average precipitation for the area is 8.2 inches of rain and 1 inch of snow. Therefore, Gap Wash has been determined to be excluded b(3) ephemeral features.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Gap Wash Ordinary High Water Mark Delineation, prepared by Rosenberg Associates, dated December 3, 2018.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps:

Photographs: [Aerial: GoogleEarth 7.3.3.7692. \(1993 June 24, 1997 May 9, 2003 December 30, 2009 June 22, 2013 May 25, and 2017 June 14\). St George, Utah. 37.08183° latitude, -113.61116° longitude, eye alt 9323 ft. Retrieved November 19, 2020, from <http://www.earth.google.com>; 2019 Digital Globe. \(2018 March 25 and 2020 April 27\). LaVerkin, Utah. 37.08183° latitude, -113.61116° longitude, zoom level 16 \(500 feet\). Retrieved November 19, 2020, from <https://evwhs.digitalglobe.com>.](#)

Corps site visit(s) conducted on:

Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey:

USFWS NWI maps:

USGS topographic maps:



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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other information (specify)	https://en.climate-data.org/north-america/united-states-of-america/utah/st-george-1442/.

B. Typical year assessment(s): [N/A.](#)

C. Additional comments to support AJD: [N/A.](#)