



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

February 1, 2024

Regulatory Division (SPK-2023-00206)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]:

We are responding to your September 8, 2023, request for an approved jurisdictional determination for the Washington County Y-Drain site. The approximately 5-acre project site is located near the Virgin River, at the northeast corner of Mall Drive and 3000 East, Latitude 37.09707°, Longitude -113.52112°, St. George, Washington County, Utah (Enclosure 1).

Based on available information, we concur with your aquatic resources delineation for the site, as depicted on the enclosed November 27, 2018, Figure 4: Delineation Results drawing, updated on February 20, 2023, and prepared by [REDACTED] (Enclosure 2). Approximately 1,125 linear feet / 0.52-acre of aquatic resource, consisting of a relatively permanent channel, are present within the survey area. This letter verifies that the location and boundaries of wetlands were delineated consistent with the wetland definition at 33 CFR §328.3(c)(16), the 1987 *Corps of Engineers Wetlands Delineation Manual* (Wetlands Research Program Technical Report Y-87-1) and the applicable regional supplements; the location and boundaries of tidal waters conform with the high tide line defined at 33 CFR §328.3(c)(4); and the location and boundaries of non-tidal waters conform with the ordinary high water mark definition at 33 CFR §328.3(c)(7), Regulatory Guidance Letter 05-05, and any applicable regional guide.

Of these aquatic resources, we have determined that the feature identified as Unnamed Channel C2 totaling 0.52 acre / 1,125 linear feet is a water of the United States pursuant to 33 CFR Part 328 and is regulated under Section 404 of the Clean Water Act. We are enclosing a copy of the Memorandum for Record prepared to support this Approved Jurisdictional 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 RFA 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 an RFA 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 NAP. It is not necessary to submit an RFA form to the Division Office unless you object to the determination in this letter.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work. We recommend that you 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.

Please refer to identification number SPK-2023-00206 in any correspondence concerning this project. If you have any questions, please contact [REDACTED]

[REDACTED]  
[REDACTED]  
For program information or to complete our Customer Survey, visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

Enclosures

cc: [REDACTED]







