



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

CESPK-RDI-U

[17 June 2025]

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 September 2023),¹ [SPK-2009-01313-SG] [Include number (Amended 2023 Rule MFR 1 (Nevada) of 2 as appropriate)]²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on

¹ While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

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SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SPK-2009-01313]

Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

1. SUMMARY OF CONCLUSIONS.

a. Provide a list of each individual feature within the review area (RA) and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

- (1) 0124af08 (2,654 linear feet (LF) in RA), jurisdictional
- (2) 0124PD15 (174 linear feet (LF) in RA), jurisdictional
- (3) 0124af01 (169 linear feet (LF) in RA), non-jurisdictional
- (4) 0124af02 (184 LF in RA), non-jurisdictional
- (5) 0124af03 (97 LF in RA), non-jurisdictional
- (6) 0124af05 (1,984 LF in RA), non-jurisdictional
- (7) 0124af07 (1,097 LF in RA), non-jurisdictional
- (8) 0124af12 (989 LF in RA), non-jurisdictional
- (9) 0503af07 (1,464 LF in RA), non-jurisdictional
- (10) 0503af08 (1,337 LF in RA), non-jurisdictional
- (11) 1214dh14 (484 LF in RA), non-jurisdictional
- (12) 1214dh15 (297 LF in RA), non-jurisdictional
- (13) 1214dh16 (320 LF in RA), non-jurisdictional
- (14) 1214sf13 (501 LF in RA), non-jurisdictional
- (15) 1214sf15 (297 LF in RA), non-jurisdictional

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SPK-2009-01313]

(16) 1214sf17 (531 LF in RA), non-jurisdictional

(17) 1214sf18 (695 LF in RA), non-jurisdictional

(18) 1214sf19 (208 LF in RA), non-jurisdictional

(19) 1214sf21 (423 LF in RA), non-jurisdictional

(20) 1214sf22 (209 LF in RA), non-jurisdictional

(21) 1214sf24 (431 LF in RA), non-jurisdictional

(22) 1214sf26 (192 LF in RA), non-jurisdictional

2. REFERENCES.

a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")

b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023))

c. *Sackett v. EPA*, 598 U.S. ___, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The approximately 150-mile-long project site is located between; Latitude 37.672986, Longitude -114.133572° and Latitude 39.663631, Longitude -112.062535; Sanpete County, Juab County, Millard County, Beaver County, Iron County, Utah, and Lincoln County, Nevada. The review area is within the Great Basin Desert and the majority of the subject aquatic resources are non-RPW drainages. All of these aquatic resources are within endorheic (isolated) basins that have no outlets and no interstate commerce connections. This MFR addresses the aquatic resources within the RA in Nevada. (AJD MFR Enclosure 1)

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The subject aquatic resources are not connected to the nearest potential TNW, the Upper Enterprise Reservoir. This potential TNW is outside the subject aquatic resources watershed and is located approximately 18 miles southeast in Utah which is separated by two HUC 12 watersheds. There is no downstream TNW of the review area.

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5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. There is no potential flow path between the subject aquatic resources and the nearest TNW, Upper Enterprise Reservoir.

6. SECTION 10 JURISDICTIONAL WATERS⁶: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁷ N/A.

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A.

b. The Territorial Seas (a)(1)(ii): N/A.

c. Interstate Waters (a)(1)(iii):

- 0124af08 (2,654 linear feet (LF) in Nevada RA) is Sheep Spring Draw, a 3rd order non-relatively permanent waters (non-RPW) originating in Nevada and flows east, crossing the state line into Utah. This stream reach is approximately 1.7 miles long. Downstream of this delineated feature the drainage is braided and potentially discontinuous as can be seen on the attached aerial photograph. (AJD MFR Enclosure 2)

⁶ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁷ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

- 0124pd15 (174 linear feet (LF) in Nevada RA) is a 2nd order non-RPW originating in Nevada and flows east, crossing the state line into Utah. This stream reach is approximately 500 feet long. (AJD MFR Enclosure 2)

d. Impoundments (a)(2): N/A.

e. Tributaries (a)(3): N/A.

f. Adjacent Wetlands (a)(4): N/A.

g. Additional Waters (a)(5): N/A.

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁸ N/A.

b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

- The 11,825 LF of ephemeral drainages within the Nevada portion of the review area; 0124af01 (169 LF), 0124af02 (184 LF), 0124af03 (97 LF), 0124af05 (1,984 LF), 0124af07 (1,097 LF), 0124af12 (989 LF), 0503af07 (1,464 LF), 0503af08 (1,337 LF), 1214dh14 (484 LF), 1214dh15 (297 LF), 1214dh16 (320 LF), 1214sf13 (501 LF), 1214sf15 (297 LF), 1214sf17 (531 LF), 1214sf18 (695 LF), 1214sf19 (208 LF), 1214sf21 (423 LF), 1214sf22 (209 LF), 1214sf24 (431 LF), and 1214sf26 (192 LF) are non-relatively permanent waters (Tributaries (a)(3)). These drainages only flow for a short duration in response to precipitation and the general area does not receive enough snowfall to accumulate over a period of time to contribute a more sustained flow. In addition to being classified as non-relatively permanent waters, these drainages are located within the same endorheic basin with no outlets as the other aquatic resources in the review area.

⁸ 88 FR 3004 (January 18, 2023)

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Therefore, these drainages do not meet the criteria of tributaries (a)(3) waters and are non-jurisdictional. (AJD MFR Enclosure 2)

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. Aquatic Resources Inventory Report for TransWest Express Transmission Project in Escalante Desert-Sevier Lake Basin, Utah Nevada, prepared by [REDACTED], dated October 2019.

b. Approved Jurisdictional Determinations for TransWest (same review areas as this MFR); SPK-2009-01313 on February 13, 2020.

c. Google Earth 7.3.3.7692. (2003 December, 2008 December, 2019 August, and 2024 June). Between approximately; Latitude 37.672986, Longitude -114.133572° and Latitude 39.663631, Longitude -112.062535; eye alt 18,000 ft. Retrieved 15 May 2025.

d. Watershed Boundaries (HUC's) – National Layers in the National Regulatory Viewer for the South Pacific Division. Retrieved 23 May 2025.

10. OTHER SUPPORTING INFORMATION. N/A.

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

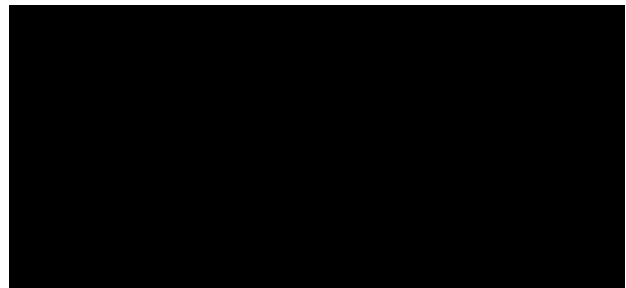
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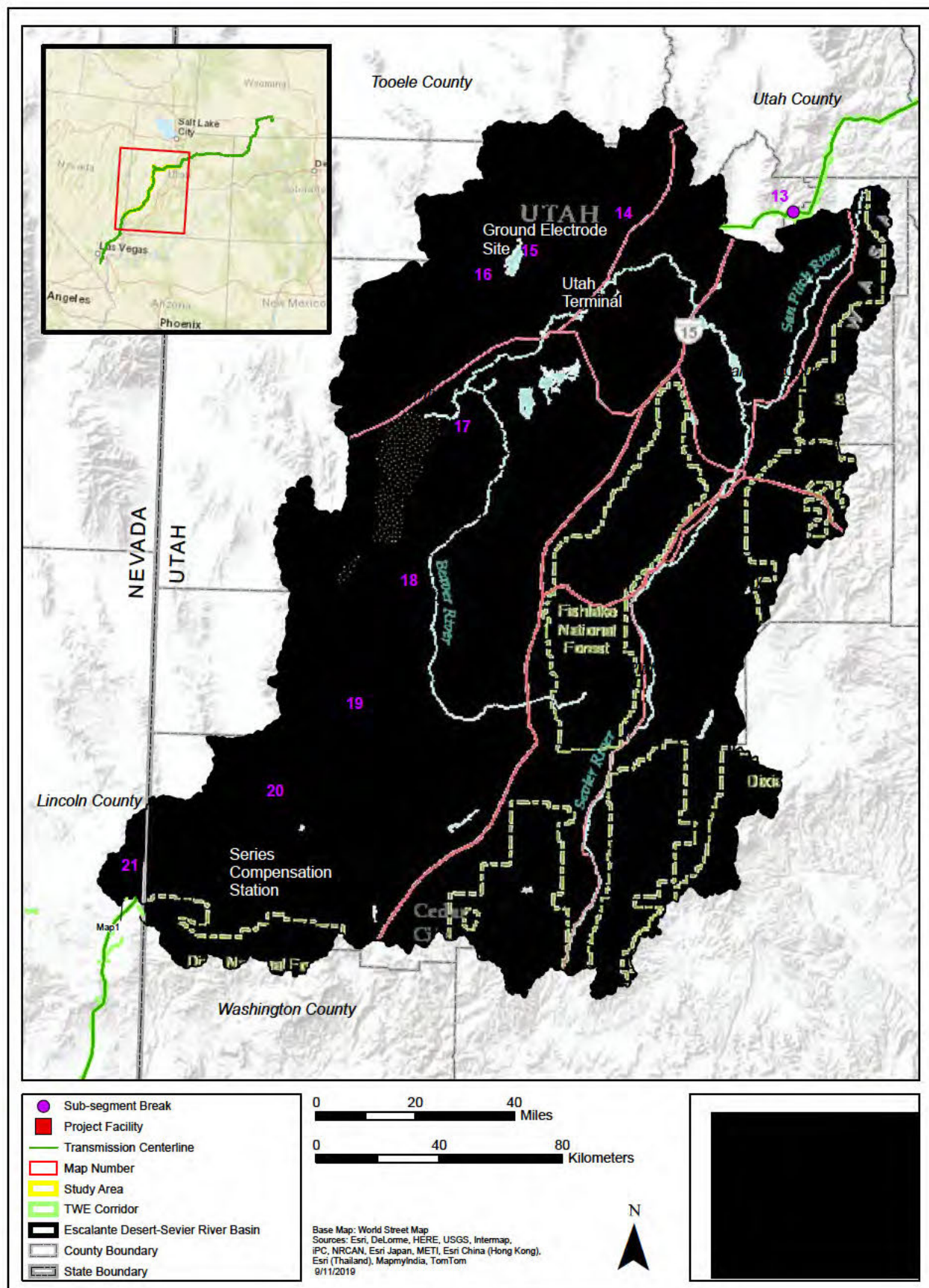
Enclosure 1- Vicinity Map

Enclosure 2- Aquatic Resources

Delineation Maps (Maps 1-6)

Enclosure 3- Table 1 Nevada Ephemeral
Drainages







0 500 1,000 Feet

County BLM Field Office
Lincoln Caliente

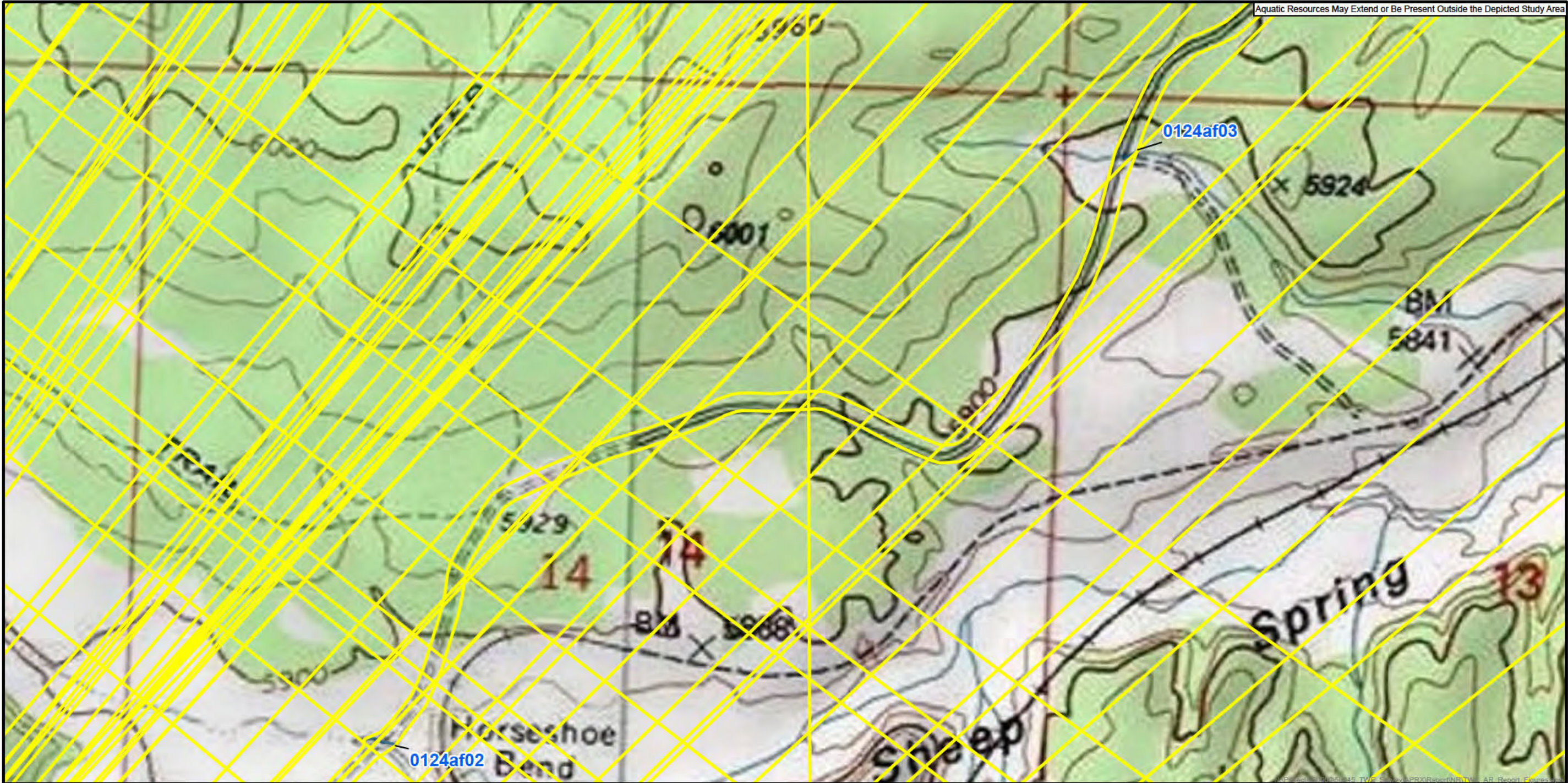
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Base Map: USGS Topographic 9/11/2019



- Escalante Desert-Sevier Lake Basin
- Study Area
- Counties
- Non-wetland Waters
- States

Wetland and Non Wetland Waters labeled in blue
Wetland Determination points labeled in black

Map
1 of 81



0 500 1,000 Feet

County BLM Field Office
Lincoln Caliente

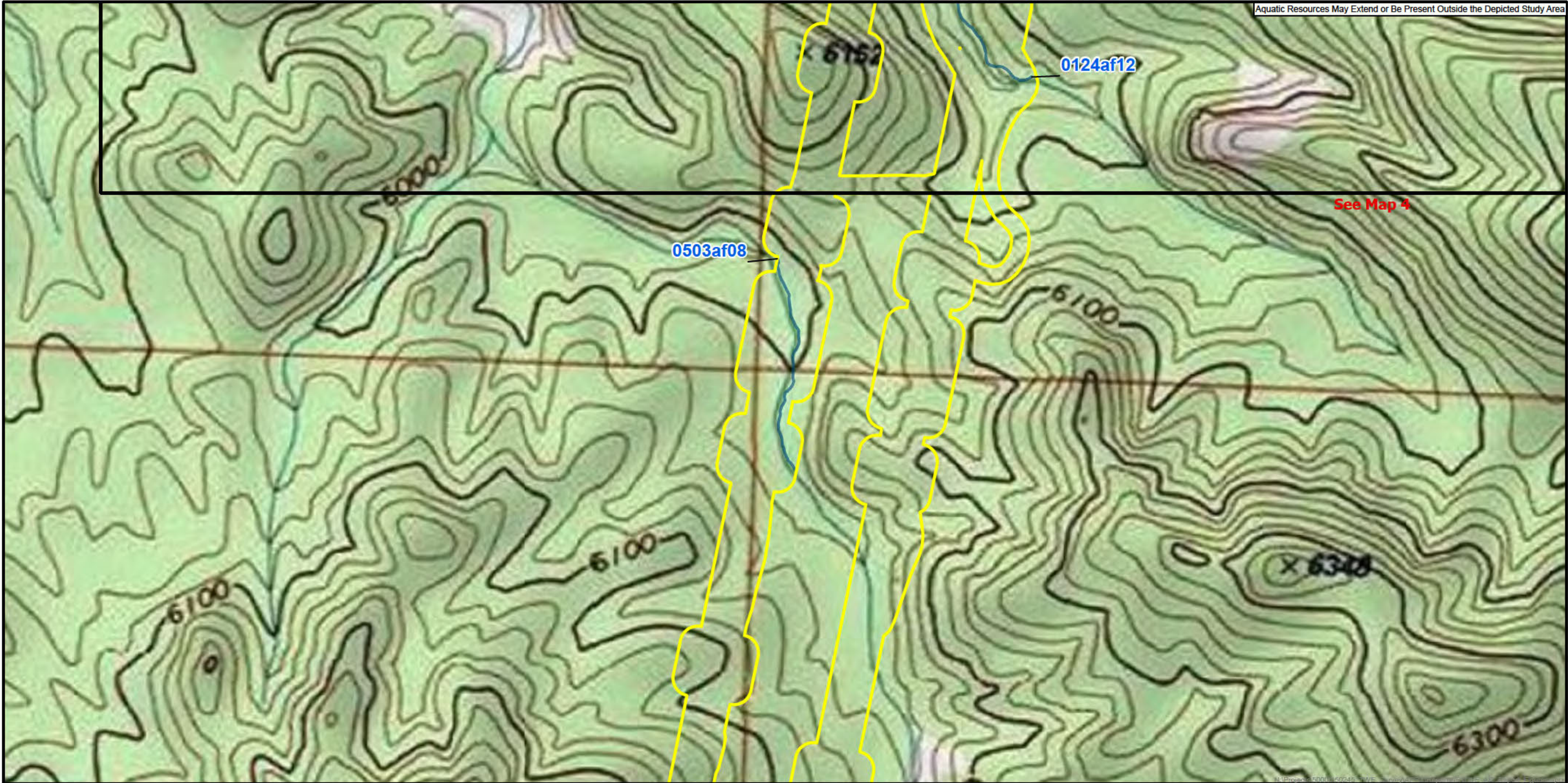
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Base Map: USGS Topographic 9/11/2019



- Escalante Desert-Sevier Lake Basin
- Counties
- States
- Study Area
- Non-wetland Waters

Wetland and Non Wetland Waters labeled in blue
Wetland Determination points labeled in black

Map
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0 500 1,000 Feet

County BLM Field Office
Lincoln Caliente

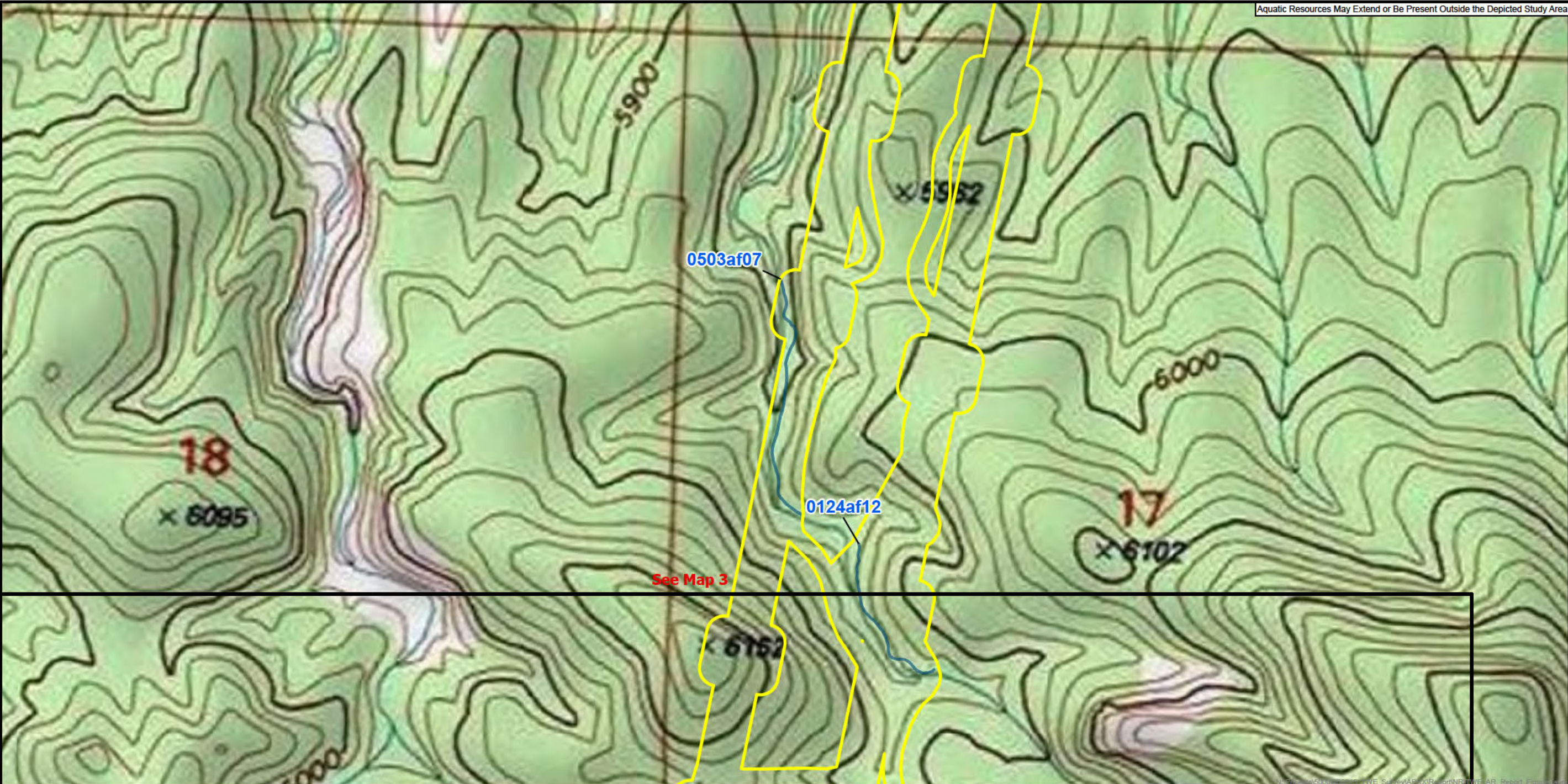
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Base Map: USGS Topographic 9/11/2019



- Escalante Desert-Sevier Lake Basin
- Study Area
- Counties
- Non-wetland Waters
- States

Wetland and Non Wetland Waters labeled in blue
Wetland Determination points labeled in black

Map
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Aquatic Resources May Extend or Be Present Outside the Depicted Study Area



0 500 1,000 Feet

County BLM Field Office
Lincoln Caliente

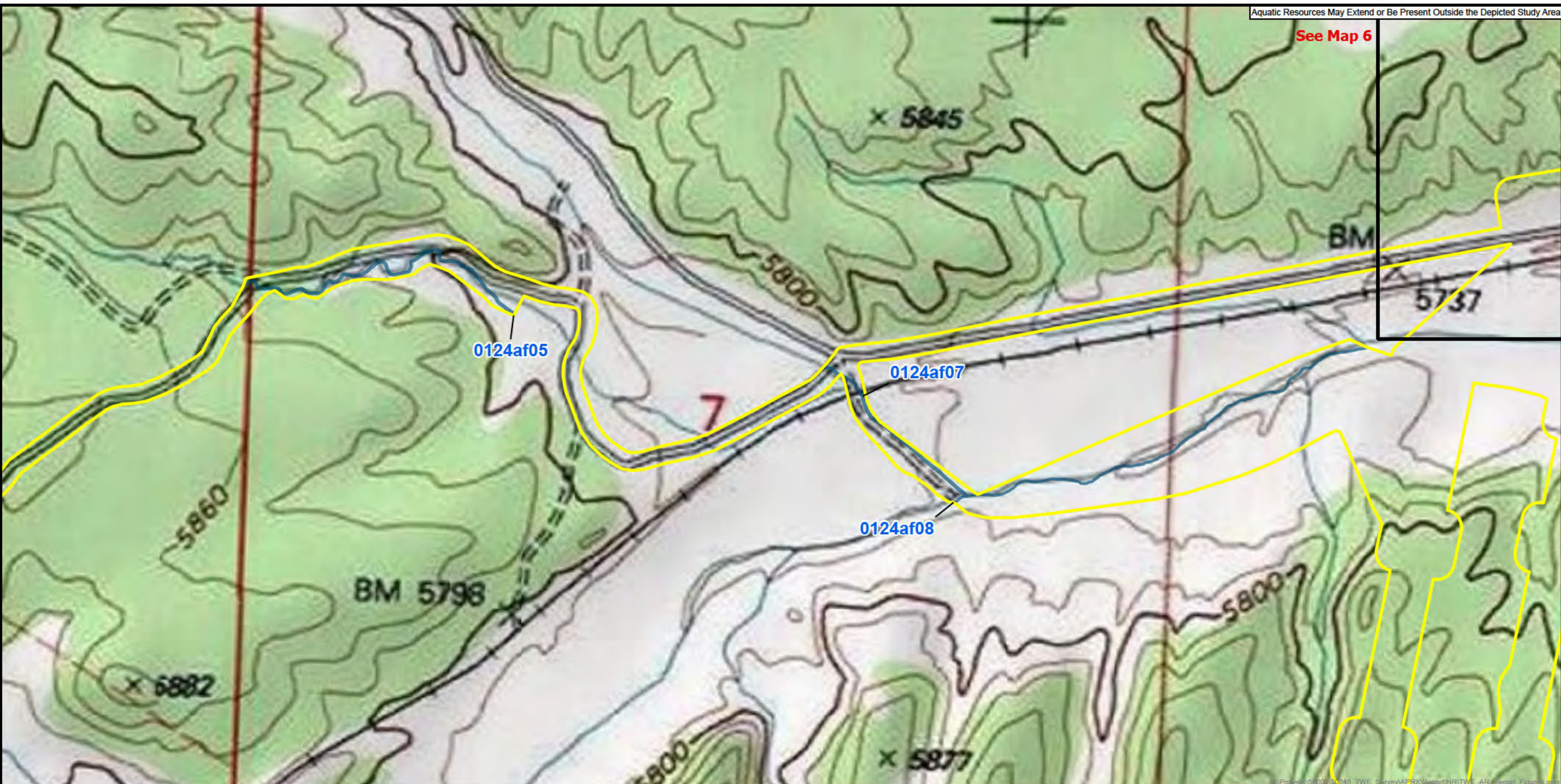
1"=600'
Base Map: USGS Topographic 9/11/2019



Escalante Desert-Sevier Lake Basin	Study Area
Counties	Non-wetland Waters
States	

Wetland and Non Wetland Waters labeled in blue
Wetland Determination points labeled in black

Map
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0 500 1,000 Feet

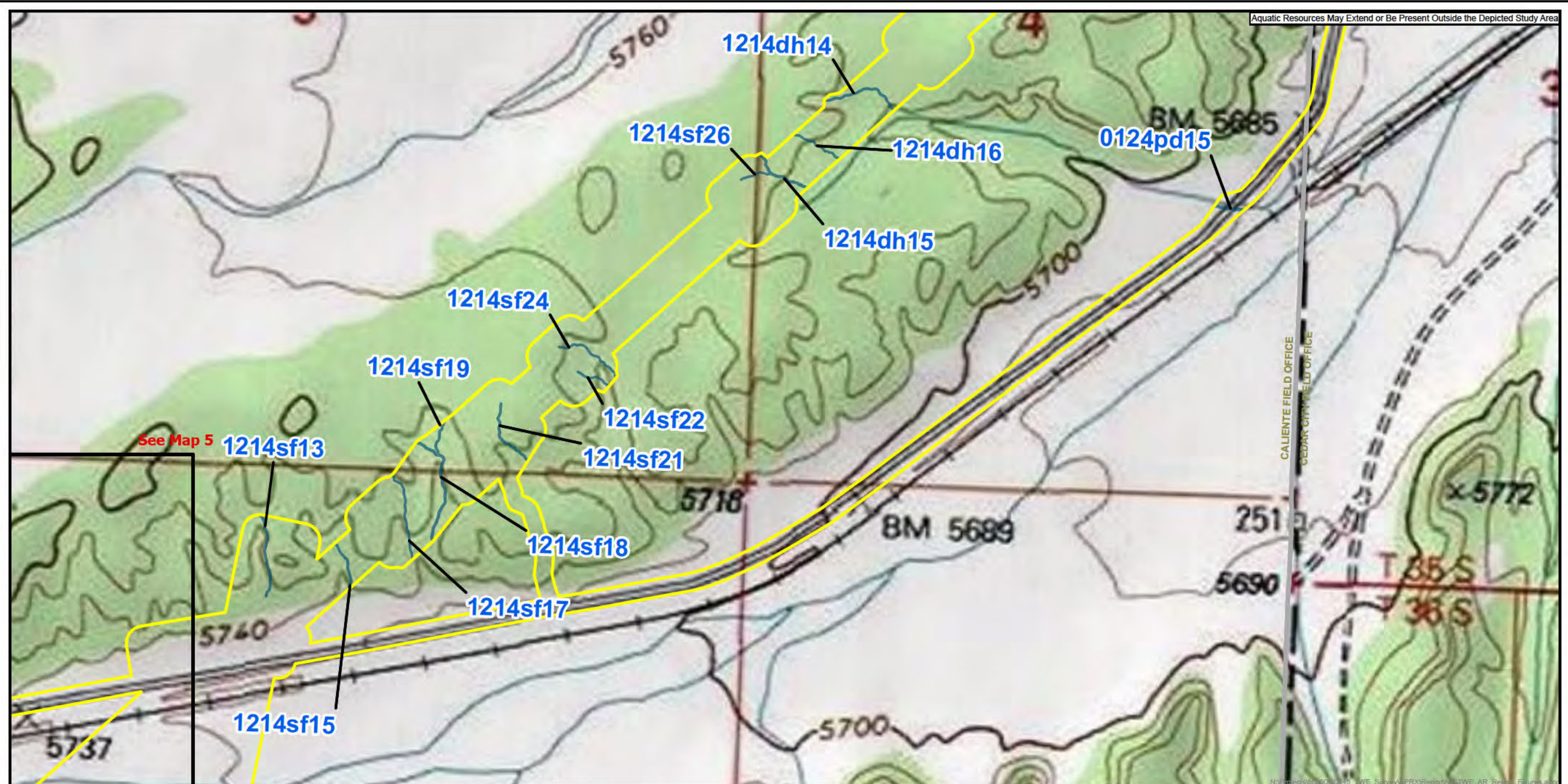
County BLM Field Office
Lincoln Caliente

1"=600'
Base Map: USGS Topographic 9/11/2019



- | | |
|------------------------------------|--------------------|
| Escalante Desert-Sevier Lake Basin | Study Area |
| Counties | Non-wetland Waters |
| States | |
- Wetland and Non Wetland Waters labeled in blue
Wetland Determination points labeled in black

Map
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Aquatic Resources May Extend or Be Present Outside the Depicted Study Area

0 500 1,000 Feet

County	BLM Field Office
Lincoln	Caliente
Iron	Cedar City

1"=600'

Base Map: USGS Topographic 1/10/2020

- Escalante Desert-Sevier Lake Basin
- Counties
- States
- Study Area
- Non-wetland Waters

Wetland and Non Wetland Waters labeled in blue
Wetland Determination points labeled in black

Map
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Table 1-Nevada Ephemeral Drainages

0124af08	Nevada	2654	FOOT	37.7019	-114.081	Jurisdictional ((a)(1)(iii) interstate)
0124pd15	NEVADA	174	FOOT	37.71323	-114.053	Jurisdictional ((a)(1)(iii) interstate)
0124af02	Nevada	184	FOOT	37.68371	-114.131	Non-jurisdictional (non-RPW)
0124af03	Nevada	97	FOOT	37.69322	-114.116	Non-jurisdictional (non-RPW)
0124af05	Nevada	1984	FOOT	37.70397	-114.097	Non-jurisdictional (non-RPW)
0124af07	Nevada	1097	FOOT	37.70184	-114.087	Non-jurisdictional (non-RPW)
0124af12	Nevada	989	FOOT	37.68514	-114.077	Non-jurisdictional (non-RPW)
0503af07	Nevada	1464	FOOT	37.6885	-114.079	Non-jurisdictional (non-RPW)
0503af08	Nevada	1337	FOOT	37.67981	-114.081	Non-jurisdictional (non-RPW)
1214dh14	Nevada	484	FOOT	37.7148	-114.061	Non-jurisdictional (non-RPW)
1214dh15	Nevada	382	FOOT	37.71353	-114.062	Non-jurisdictional (non-RPW)
1214dh16	Nevada	320	FOOT	37.714	-114.062	Non-jurisdictional (non-RPW)
1214sf13	Nevada	501	FOOT	37.70729	-114.072	Non-jurisdictional (non-RPW)
1214sf15	Nevada	297	FOOT	37.70716	-114.071	Non-jurisdictional (non-RPW)
1214sf17	Nevada	531	FOOT	37.70798	-114.07	Non-jurisdictional (non-RPW)
1214sf18	Nevada	695	FOOT	37.70845	-114.069	Non-jurisdictional (non-RPW)
1214sf19	Nevada	208	FOOT	37.70922	-114.069	Non-jurisdictional (non-RPW)
1214sf21	Nevada	423	FOOT	37.70929	-114.068	Non-jurisdictional (non-RPW)
1214sf22	Nevada	209	FOOT	37.71023	-114.066	Non-jurisdictional (non-RPW)
1214sf24	Nevada	431	FOOT	37.71058	-114.066	Non-jurisdictional (non-RPW)
1214sf26	Nevada	192	FOOT	37.7135	-114.063	Non-jurisdictional (non-RPW)



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1325 J STREET
SACRAMENTO CA 95814-2922

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17 June 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),¹ [SPK-2009-01313-SG] [Include number Pre-2015+Sackett MFR 2 (Utah) of 2 as appropriate]²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015

¹ While the Supreme Court's decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SPK-2009-01313]

regulatory regime and consistent with the Supreme Court's decision in *Sackett*. This AJD did not rely on the 2023 "Revised Definition of 'Waters of the United States,'" as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in this state due to litigation.

1. SUMMARY OF CONCLUSIONS.

a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

- (1) 0124pd01 (281 linear feet (LF) in RA), jurisdictional
- (2) 0124pd03 (131 linear LF in RA), jurisdictional
- (3) 0124pd04 (120 linear LF in RA), jurisdictional
- (4) 0124pd05 (106 linear LF in RA), jurisdictional
- (5) 0124pd07 (1,086 linear LF in RA), jurisdictional
- (6) 0124pd08 (693 linear LF in RA), jurisdictional
- (7) 0124pd12 (1,215 linear LF in RA), jurisdictional
- (8) 1214pd03 (96 linear LF in RA), jurisdictional
- (9) 1214pd05 (424 linear LF in RA), jurisdictional
- (10) 1214pd06 (791 linear LF in RA), jurisdictional
- (11) 1214pd08 (923 linear LF in RA), jurisdictional

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)

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SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SPK-2009-01313]

d. *Sackett v. EPA*, 598 U.S. ___, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The approximately 150-mile-long project site is located between; Latitude 37.672986, Longitude -114.133572° and Latitude 39.663631, Longitude -112.062535; Sanpete County, Juab County, Millard County, Beaver County, Iron County, Utah, and Lincoln County, Nevada. The review area is within the Great Basin Desert and the majority of the subject aquatic resources are ephemeral drainages. All of these aquatic resources are within endorheic (isolated) basins that have no outlets and no interstate commerce. This MFR addresses the aquatic resources within the RA in Utah that are interstate (a)(2) waters. (AJD MFR Enclosure 1)

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The subject aquatic resources are not connected to the nearest potential TNW, the Upper Enterprise Reservoir. This potential TNW is outside the subject aquatic resources watershed and is located approximately 18 miles southeast which is separated by two HUC 12 watersheds. There is no downstream TNW of the review area.

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. There is no potential flow path between the subject aquatic resources and the nearest TNW, Upper Enterprise Reservoir.

6. SECTION 10 JURISDICTIONAL WATERS⁶: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁷ N/A.

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of

⁶ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁷ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

CESPK-RDI-U

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SPK-2009-01313]

“waters of the United States” in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

a. TNWs (a)(1): N/A.

b. Interstate Waters (a)(2):

- Non-relatively permanent waters (non-RPWs) 0124pd12 (1,215 LF) and 0124pd01 (281 LF) are part of the same stream reach and originate in Nevada and are sections of the same 2nd order drainage that flows southeasterly. This drainage has a continuous OHWM downstream that crosses the state line into Utah. This stream reach is approximately 1.6 miles. (AJD MFR Enclosure 2- Map 7 and Figure C)
- Non-RPWs 0124pd07 (1,086 LF) and 0124pd08 (693 LF) are part of the same stream reach and originate in Nevada and are sections of a 1st order drainage. Based off of aerials and topography maps the drainages cross the state line into Utah. This stream reach is approximately 0.8 miles. (AJD MFR Enclosure 2- Maps 7-8 and Figure C)
- Non-RPWs 0124pd03 (131 LF), 0124pd04 (120 LF), and 0124pd05 (106 LF) are part of the same stream reach and originate in Nevada and are sections of a 2nd order drainage that flows southeasterly. Based off of aerials and topography maps the drainages cross the state line into Utah. The stream reach is approximately 0.85 miles. (AJD MFR Enclosure 2- Maps 7-8 and Figure C)
- Non-RPWs 1214pd03 (96 LF), 1214pd05 (424 LF), 1214pd06 (791 LF), and 1214pd08 (923 LF) are part of the same stream reach and originate in Nevada and are sections of a 2nd order drainage that flows southeasterly. The drainage extends downstream of these delineated features and has a clearly define OHWM that crosses the state line into Utah. This stream reach is approximately 2.4 miles. (AJD MFR Enclosure 2- Map 9 and Figure D)

c. Other Waters (a)(3): N/A.

d. Impoundments (a)(4): N/A.

e. Tributaries (a)(5): N/A.

f. The territorial seas (a)(6): N/A.

g. Adjacent wetlands (a)(7): N/A.

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁸ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. N/A

b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. N/A.

c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A.

d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A.

e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*. N/A.

f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water). N/A.

⁸ 51 FR 41217, November 13, 1986.

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SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SPK-2009-01313]

9 DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. Aquatic Resources Inventory Report for TransWest Express Transmission Project in Escalante Desert-Sevier Lake Basin, Utah Nevada, prepared by [REDACTED], dated October 2019.

b. Approved Jurisdictional Determinations for TransWest (same review areas as this MFR); SPK-2009-01313 on February 13, 2020.

c. Google Earth 7.3.3.7692. (2003 December, 2008 December, 2019 August, and 2024 June). Between approximately; Latitude 37.672986, Longitude -114.133572° and Latitude 39.663631, Longitude -112.062535; eye alt 18,000 ft. Retrieved 15 May 2025.

d. Watershed Boundaries (HUC's) – National Layers in the National Regulatory Viewer for the South Pacific Division. Retrieved 23 May 2025.

10. OTHER SUPPORTING INFORMATION. N/A.

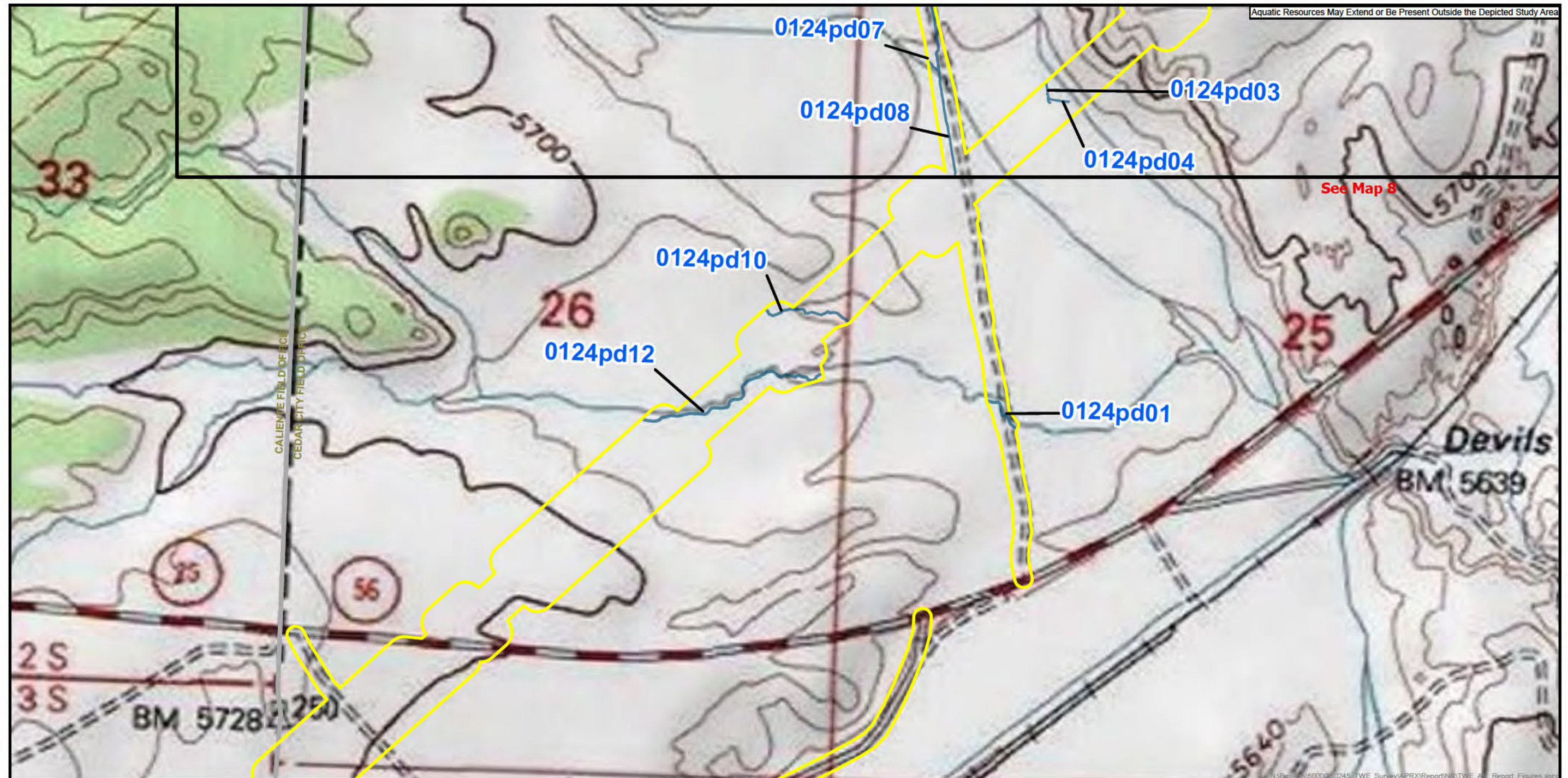
11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

2 Encls

Enclosure 1- Vicinity Map

Enclosure 2- Aquatic Resources

Delineation Maps (Maps 7-9)



0 500 1,000 Feet

County BLM Field Office

Lincoln Caliente

Iron Cedar City

1"=600'

Base Map: USGS Topographic 1/10/2020

Escalante Desert-Sevier Lake Basin

Counties

States

Study Area

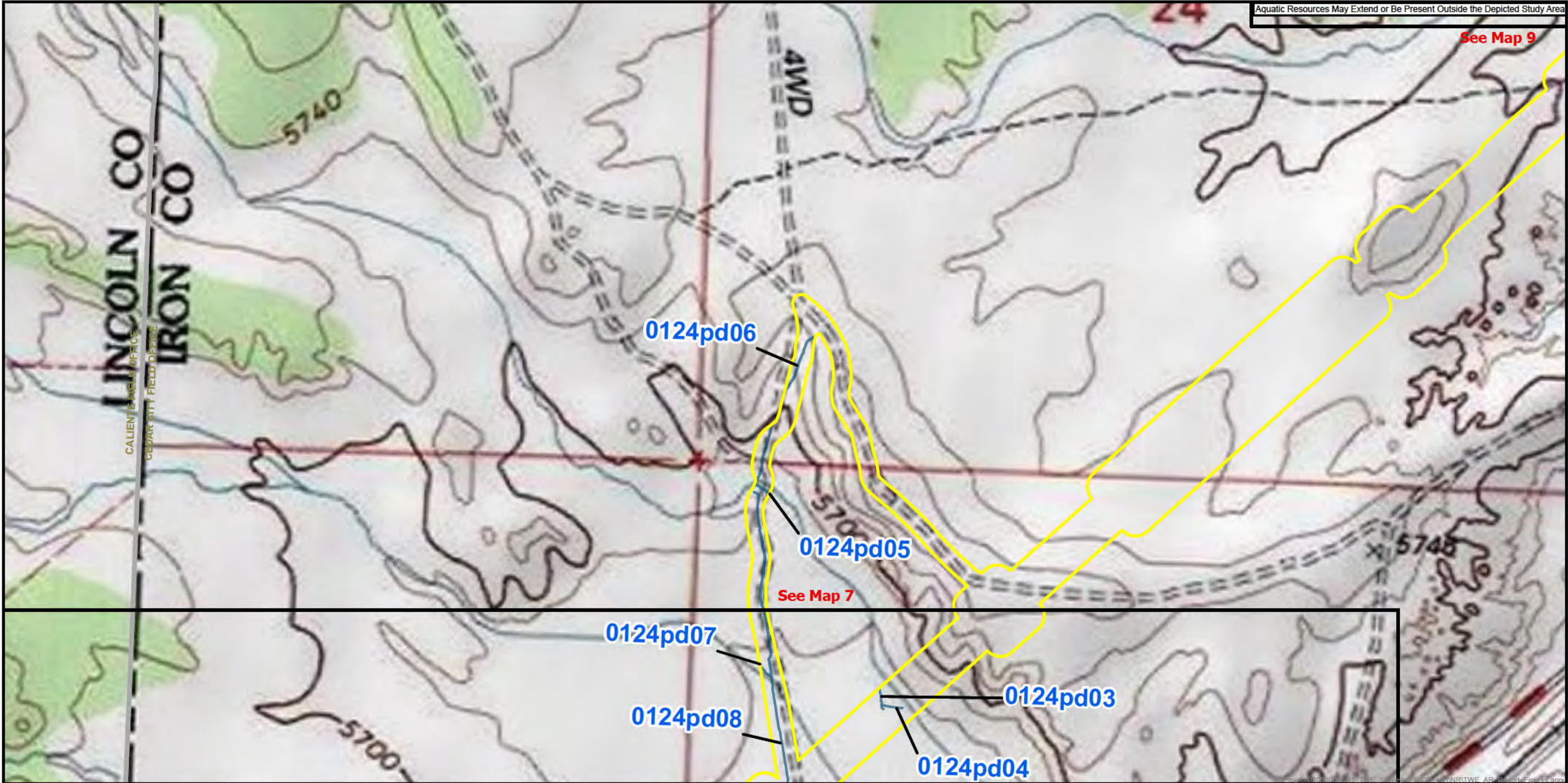
Non-wetland Waters

Wetland and Non Wetland Waters labeled in blue

Wetland Determination points labeled in black

Map

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0 500 1,000 Feet

County	BLM Field Office
Lincoln	Caliente
Iron	Cedar City

1"=600'

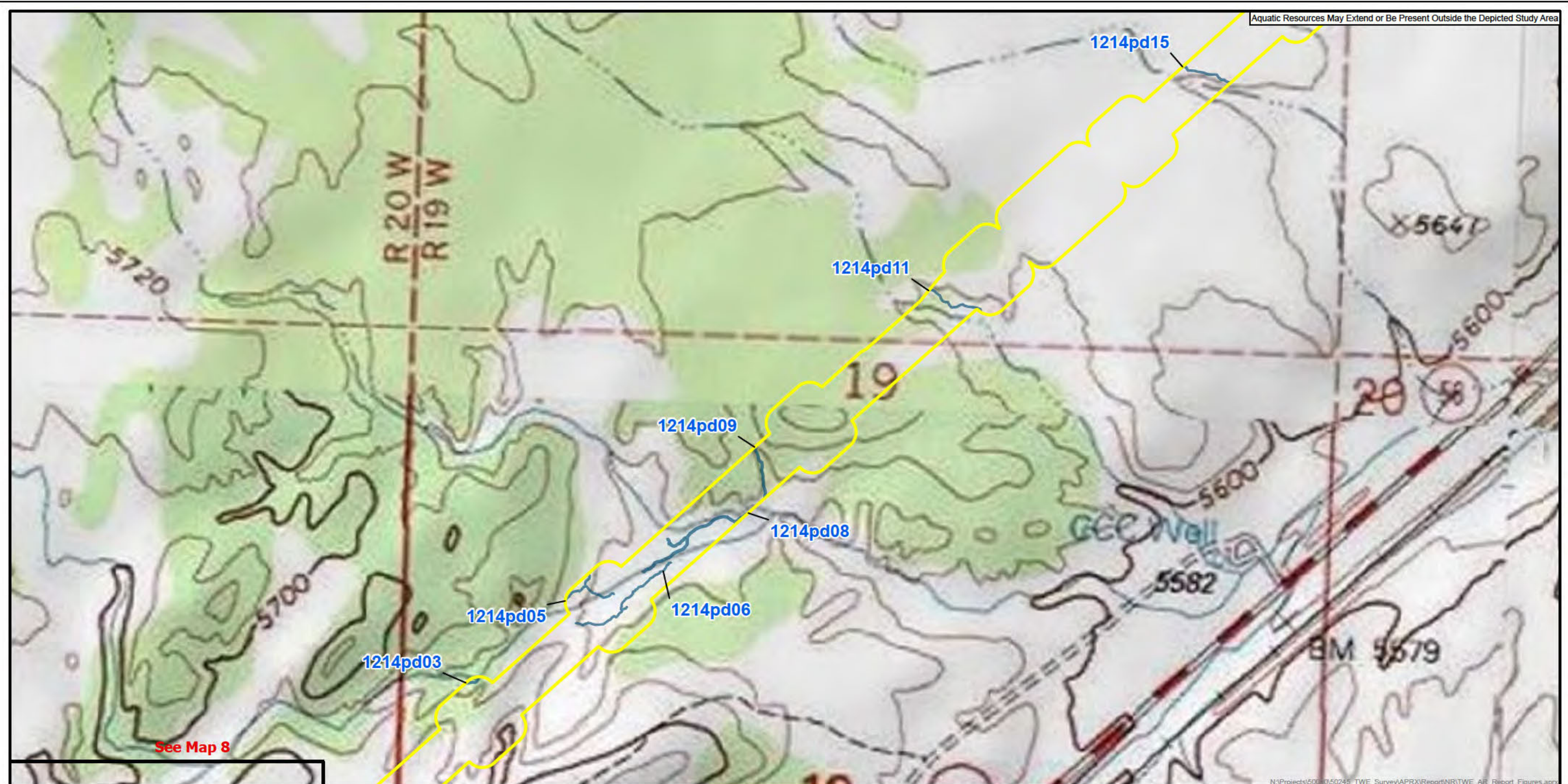
Base Map: USGS Topographic 1/10/2020



Escalante Desert-Sevier Lake Basin	Study Area
Counties	Non-wetland Waters
States	

Wetland and Non Wetland Waters labeled in blue
Wetland Determination points labeled in black

Map
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NEVADA
UTAH

0 500 1,000 Feet

County Iron BLM Field Office Cedar City

1"=600'

Base Map: USGS Topographic 9/11/2019

N

Escalante Desert-Sevier Lake Basin	Study Area
Counties	Non-wetland Waters
States	

Wetland and Non Wetland Waters labeled in blue
Wetland Determination points labeled in black

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

CESPK-RDI-U

5 June 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),¹ [SPK-2009-01313-SG] [MFR #3 Non-RPWs and Isolate Waters (Pre-2015+Sackett) of #1 Nevada Interstate and Non-RPWs (Amended 2023 Rule) and #2 Utah Interstate Waters (Pre-2015+Sackett) o]²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated

¹ While the Supreme Court's decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SPK-2009-01313]

consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court’s decision in *Sackett*. This AJD did not rely on the 2023 “Revised Definition of ‘Waters of the United States,’” as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in Utah due to litigation.

1. SUMMARY OF CONCLUSIONS.

a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

(1) Table 1- Ephemeral Drainages, non-jurisdictional Clean Water Act Section 404; 174 Ephemeral Drainages- 90,724 linear feet (AJD MFR Enclosure 1).

(2) Table 2- Playa and Wetland, non-jurisdictional Clean Water Action Section 404; 5 Playa Wetlands- 196.82 acres, 5 Playas- 15.05 acres, and 9 Emergent Wetlands- 16.22 acres (AJD MFR Enclosure 2).

2. REFERENCES.

a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).

b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).

c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court’s Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)

d. *Sackett v. EPA*, 598 U.S. ___, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The approximately 150-mile-long project site is located between; Latitude 37.672986, Longitude -114.133572° and Latitude 39.663631, Longitude -112.062535; Sanpete County, Juab County, Millard County, Beaver County, Iron County, Utah, and Lincoln County, Nevada. The review area is within the Great Basin Desert and the majority of the subject aquatic resources are ephemeral drainages. The interstate and Nevada waters are assessed under AJD MFR’s #1 and #2. All of the aquatic resources assessed under this MFR are within terminal basins that have no outlets and no interstate commerce. (AJD MFR Enclosure 3)

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The linear review area does not have potential hydrologic connections with a

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SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [SPK-2009-01313]

downstream TNW. The delineated aquatic resources are located within an terminal basin with no outflows to a TNW. The nearest TNW for Maps 7-30 is Upper Enterprise Reservoir separated by two HUC 12 watersheds, and Yuba Lake for Maps 31-81 located upstream in the watershed at least a 400-foot elevation gain.

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. There is no potential flowpaths/connections to a TNW because Upper Enterprise is outside the watershed and Yuba Lake is higher in the watershed.

6. SECTION 10 JURISDICTIONAL WATERS⁶: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁷ N/A.

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

a. TNWs (a)(1): N/A.

b. Interstate Waters (a)(2): N/A.

c. Other Waters (a)(3): N/A.

⁶ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁷ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

- d. Impoundments (a)(4): N/A.
- e. Tributaries (a)(5): N/A.
- f. The territorial seas (a)(6): N/A.
- g. Adjacent wetlands (a)(7): N/A.

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁸ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. N/A

b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. N/A.

c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A.

d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A.

e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*.

- Playas 1206ec04 (3.37 acres), 1206ec08 (5.90 acres), 1212ed13 (3.6 acres), 1213ed03 (0.83 acres), and 1215dh10 (1.34 acres) are ephemeral shallow lakes within terminal basins and no outlets. These playas are isolated and are not associated with any interstate or foreign commerce (i.e. recreation or commercial

⁸ 51 FR 41217, November 13, 1986.

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fishing). Therefore the 15.05 acres of playa are non-jurisdictional under the Section 404 of the Clean Water Act.

f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court's decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

- Playa wetlands 0418as01 (19.48 acres), 0418sf04 (37.33 acres), 0418sf13 (15.62 acres), 0419sf03 (1.19 acres), and 1207ec10 (123.17 acres) are saline wet meadows and are not adjacent (a)(7) waters. Emergent wetlands 1208ec09 (0.34 acre), 1208ec11 (0.07 acre), 1208rw03 (0.91 acre), 1208rw05 (1.72 acres), 1208rw10 (1.4 acres), 1208rw11 (7.64 acres), 1208rw12 (0.46 acre), 1208rw15 (0.86 acre), and 1209rw05 (2.77 acres) are not adjacent wetlands (a)(7) are all located within the same general area near the Sevier River. Both the playa wetlands and emergent wetlands are not adjacent wetlands (a)(7) considering they are located in a terminal basin and have no potential confined surface connection to Yuba Lake the nearest TNW, approximately 21 aerial miles east and at least 400 feet higher in the watershed. Therefore, the 15.05 acres of playa wetlands and 16.22 acres of emergent wetlands are non-jurisdictional.
- The 174 ephemeral drainages (90,257 linear feet) are non-relatively permanent waters. These drainages only flow in response precipitation and the general area does not receive enough snowfall to accumulate over a period of time to contribute a more sustained flow. In addition to being classified as non-relatively permanent waters, these drainages are located within the same terminal basin as the other aquatic resources in the review area. Therefore, these drainages do not meet the criteria of tributaries (a)(5) waters and are non-jurisdictional.

9 DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. Aquatic Resources Inventory Report for TransWest Express Transmission Project in Escalante Desert-Sevier Lake Basin, Utah Nevada, prepared by [REDACTED], dated October 2019.

b. Approved Jurisdictional Determinations for Sevier Lake and associated Wetlands within the same basin; SPK-2013-00295 on June 28, 2013, April 25, 2018, September 9, 2019, and March 28, 2025.

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c. Google Earth 7.3.3.7692. (2003 December, 2008 December, 2019 August, and 2024 June). Between approximately; Latitude 37.672986, Longitude -114.133572° and Latitude 39.663631, Longitude -112.062535; eye alt 18,000 ft. Retrieved 15 May 2025.

d. Watershed Boundaries (HUC's) – National Layers in the National Regulatory Viewer for the South Pacific Division. Retrieved 23 May 2025.

10. OTHER SUPPORTING INFORMATION. N/A.

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

4 Encls

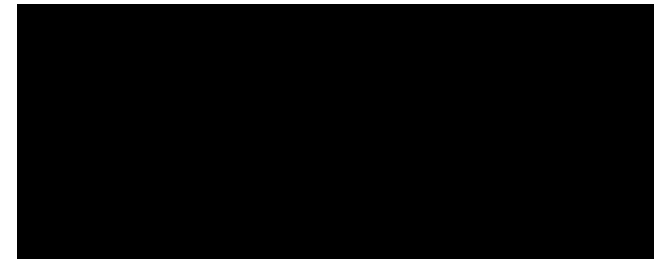
Enclosure 1- Table 1 Ephemeral Drainages (Non-RPWs)

Enclosure 2- Table 2- Playa and Wetlands

Enclosure 3- Vicinity Map

Enclosure 4- Aquatic Resources

Delineation Maps 7-81



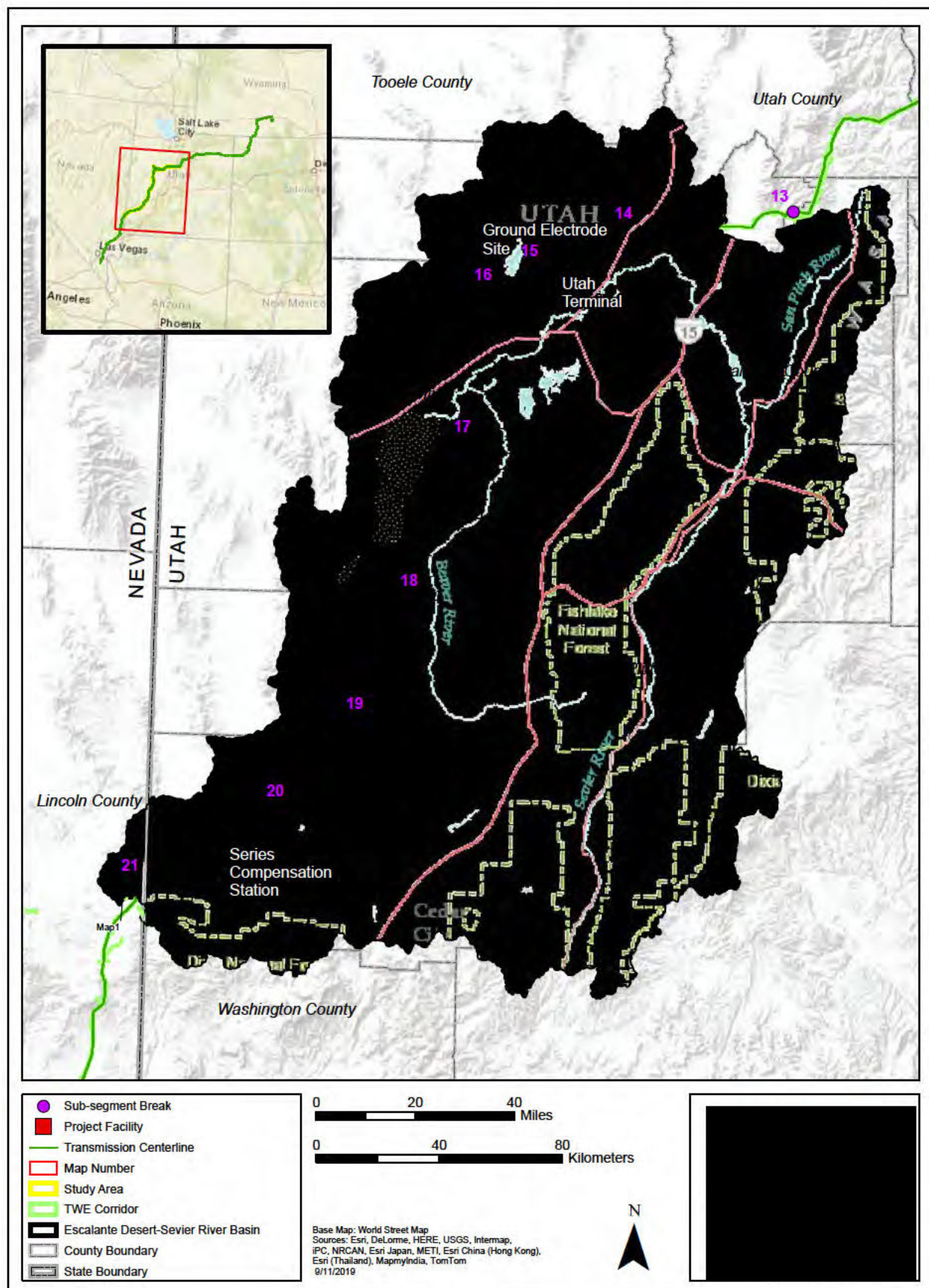


TABLE 1- EPHEMERAL DRAINAGES (NON-RPWS)

Waters Name	State	Cowardin	Amount	Units	Latitude	Longitude
0122pd04	UTAH	R4SB	299	FOOT	37.87822	-113.719
0122pd05	Utah	R4SB	503	FOOT	37.87761	-113.721
0122pd06	Utah	R4SB	279	FOOT	37.87597	-113.724
0123ej02	Utah	R4SB	1219	FOOT	37.86616	-113.752
0123ej03	Utah	R4SB	64	FOOT	37.84046	-113.882
0123ej08	UTAH	R4SB	752	FOOT	37.82548	-113.893
0123pd05	Utah	R4SB	1021	FOOT	37.86621	-113.75
0123pd07	Utah	R4SB	674	FOOT	37.86624	-113.752
0123pd09	Utah	R4SB	361	FOOT	37.85092	-113.859
0123pd13	Utah	R4SB	219	FOOT	37.84943	-113.862
0123pd20	Utah	R4SB	278	FOOT	37.84596	-113.869
0123pd21	Utah	R4SB	112	FOOT	37.84595	-113.869
0123pd27	Utah	R4SB	339	FOOT	37.84198	-113.878
0123pd28	Utah	R4SB	38	FOOT	37.83423	-113.889
0123pd30	Utah	R4SB	271	FOOT	37.80299	-113.928
0124pd06	Utah	R4SB	751	FOOT	37.73741	-114.039
0124pd10	Utah	R4SB	561	FOOT	37.72993	-114.041
0418sf10	Utah	R4SB	414	FOOT	39.52034	-112.726
0420sf04	Utah	R4SB	525	FOOT	39.66257	-112.091
0420sf06	Utah	R4SB	301	FOOT	39.66363	-112.063
0503af06	Utah	R4SB	645	FOOT	37.77135	-113.986
0503ec01	Utah	R4SB	583	FOOT	37.81355	-113.905
0503ec03	Utah	R4SB	476	FOOT	37.76633	-113.992
0503ec04	Utah	R4SB	302	FOOT	37.76802	-113.99
0504ec01	Utah	R4SB	404	FOOT	38.81577	-112.93
0504ec02	Utah	R4SB	114	FOOT	38.81577	-112.93
1206ec01	Utah	R4SB	813	FOOT	39.37207	-112.906
1206ec02	Utah	R4SB	840	FOOT	39.38841	-112.906
1206ec03	Utah	R4SB	843	FOOT	39.39861	-112.906
1206ec04	Utah	R4SB	705	FOOT	39.39938	-112.906
1206ec05	Utah	R4SB	314	FOOT	39.4007	-112.905
1206ec06	Utah	R4SB	813	FOOT	39.40939	-112.906
1206ec07	Utah	R4SB	473	FOOT	39.40937	-112.907
1206ec09	Utah	R4SB	756	FOOT	39.44022	-112.888
1206ec10	Utah	R4SB	236	FOOT	39.44017	-112.888
1206ec11	Utah	R4SB	278	FOOT	39.44675	-112.883
1206ec12	Utah	R4SB	382	FOOT	39.44517	-112.884
1206ec14	Utah	R4SB	724	FOOT	39.45378	-112.879
1206ec15	Utah	R4SB	460	FOOT	39.45185	-112.88
1206rw01	Utah	R4SB	648	FOOT	39.26345	-112.906
1206rw02	Utah	R4SB	106	FOOT	39.35659	-112.907
1206rw03	Utah	R4SB	756	FOOT	39.35667	-112.906
1206rw04	Utah	R5UB	2321	FOOT	39.34822	-112.906

1206rw05	Utah	R4SB	156	FOOT	39.34349	-112.906
1206rw09	Utah	R4SB	1113	FOOT	39.35583	-112.906
1206rw10	Utah	R4SB	778	FOOT	39.28327	-112.906
1207ec01	Utah	R4SB	842	FOOT	39.45975	-112.874
1207ec02	Utah	R4SB	958	FOOT	39.46235	-112.873
1207ec06	Utah	R4SB	1182	FOOT	39.49863	-112.816
1207rw01	Utah	R4SB	301	FOOT	39.2075	-112.903
1207rw02	Utah	R4SB	660	FOOT	39.26292	-112.906
1207rw03	Utah	R4SB	643	FOOT	39.26199	-112.906
1207rw04	Utah	R4SB	115	FOOT	39.26202	-112.907
1207rw05	Utah	R4SB	225	FOOT	39.26169	-112.906
1207rw06	Utah	R4SB	113	FOOT	39.26223	-112.905
1207rw09	Utah	R4SB	519	FOOT	39.20444	-112.901
1207rw10	Utah	R4SB	136	FOOT	39.20461	-112.901
1208rw01	Utah	R4SB	292	FOOT	39.19901	-112.899
1208rw07	Utah	R4SB	459	FOOT	39.19411	-112.898
1208rw08	Utah	R4SB	64	FOOT	39.1938	-112.898
1209ec01	Utah	R5UB	515	FOOT	39.14298	-112.879
1209ec02	Utah	R4SB	729	FOOT	39.11507	-112.869
1209ec03	Utah	R4SB	68	FOOT	39.10845	-112.866
1209ec04	Utah	R4SB	394	FOOT	39.10675	-112.866
1209ec05	Utah	R4SB	818	FOOT	39.10223	-112.865
1209ec06	Utah	R4SB	1024	FOOT	39.09982	-112.864
1209ec07	Utah	R4SB	79	FOOT	39.10341	-112.865
1209ec09	Utah	R4SB	467	FOOT	39.10803	-112.867
1209rw01	Utah	R4SB	142	FOOT	39.19165	-112.897
1209rw02	Utah	R2UB	4037	FOOT	39.18756	-112.895
1209rw03	Utah	R2UB	1007	FOOT	39.18287	-112.893
1210ec02	Utah	R4SB	948	FOOT	39.07946	-112.858
1210ec04	Utah	R4SB	158	FOOT	39.06245	-112.853
1210ec05	Utah	R4SB	513	FOOT	39.05879	-112.852
1210ec06	Utah	R4SB	483	FOOT	39.05371	-112.85
1210ec07	Utah	R4SB	916	FOOT	39.04711	-112.849
1210ec08	Utah	R4SB	310	FOOT	39.0462	-112.848
1210ec09	Utah	R4SB	459	FOOT	39.04544	-112.848
1210ec10	Utah	R4SB	305	FOOT	38.97545	-112.864
1210ec11	Utah	R4SB	288	FOOT	38.96998	-112.865
1210ec12	Utah	R4SB	779	FOOT	38.96592	-112.866
1210ec14	Utah	R4SB	117	FOOT	39.06249	-112.852
1210ed03	Utah	R4SB	395	FOOT	39.03733	-112.849
1210ed05	Utah	R4SB	432	FOOT	39.00163	-112.857
1210rw01	Utah	R4SB	771	FOOT	39.02911	-112.851
1210rw02	Utah	R4SB	477	FOOT	39.01816	-112.854
1211as07	Utah	R4SB	352	FOOT	38.3011	-113.133
1211ec01	Utah	R4SB	151	FOOT	38.95748	-112.867
1211ec02	Utah	R4SB	376	FOOT	38.92507	-112.876
1211ec03	Utah	R4SB	438	FOOT	38.92442	-112.876

1211ec05	Utah	R4SB	122	FOOT	38.9042	-112.881
1211ec06	Utah	R4SB	589	FOOT	38.95644	-112.868
1211ed02	Utah	R4SB	584	FOOT	38.88377	-112.892
1211ed04	Utah	R4SB	1027	FOOT	38.88085	-112.894
1211ed06	Utah	R4SB	1645	FOOT	38.87929	-112.892
1211ed12	Utah	R4SB	597	FOOT	38.85947	-112.902
1211ed14	Utah	R4SB	565	FOOT	38.8515	-112.904
1211pd04	Utah	R4SB	320	FOOT	38.43842	-113.048
1211pd05	Utah	R4SB	101	FOOT	38.43852	-113.048
1211pd06	Utah	R4SB	59	FOOT	38.43876	-113.048
1211pd07	Utah	R4SB	383	FOOT	38.43738	-113.048
1211pd09	Utah	R4SB	228	FOOT	38.4205	-113.06
1211pd11	Utah	R4SB	310	FOOT	38.41889	-113.061
1212dh04	Utah	R4SB	446	FOOT	38.29321	-113.141
1212dh24	Utah	R4SB	281	FOOT	38.25561	-113.185
1212dh25	Utah	R4SB	296	FOOT	38.25489	-113.186
1212ec02	Utah	R4SB	726	FOOT	38.78869	-112.957
1212ec03	Utah	R4SB	345	FOOT	38.78721	-112.959
1212ec04	Utah	R4SB	558	FOOT	38.78542	-112.96
1212ec06	Utah	R4SB	119	FOOT	38.77737	-112.969
1212ec10	Utah	R4SB	352	FOOT	38.76793	-112.977
1212ec13	Utah	R4SB	269	FOOT	38.75948	-112.986
1212ec15	Utah	R4SB	607	FOOT	38.75251	-112.992
1212ec16	Utah	R4SB	792	FOOT	38.74587	-113
1212ed02	Utah	R4SB	231	FOOT	38.83101	-112.914
1212ed06	Utah	R4SB	572	FOOT	38.80516	-112.941
1212ed07	Utah	R4SB	73	FOOT	38.80524	-112.941
1212ed08	Utah	R4SB	348	FOOT	38.8034	-112.941
1212ed09	Utah	R4SB	279	FOOT	38.79745	-112.948
1212ed10	Utah	R4SB	445	FOOT	38.79453	-112.951
1212ed12	Utah	R4SB	123	FOOT	38.79254	-112.953
1212mc09	Utah	R4SB	430	FOOT	38.36901	-113.076
1212mc10	Utah	R4SB	213	FOOT	38.36987	-113.075
1212mc11	Utah	R4SB	117	FOOT	38.36988	-113.076
1212rw01	Utah	R4SB	756	FOOT	38.82563	-112.92
1212rw02	Utah	R4SB	454	FOOT	38.82316	-112.923
1212rw04	Utah	R4SB	544	FOOT	38.80214	-112.944
1212rw05	Utah	R4SB	884	FOOT	38.80016	-112.945
1212rw06	Utah	R4SB	321	FOOT	38.7993	-112.946
1212rw07	Utah	R4SB	306	FOOT	38.79912	-112.947
1212sf21	Utah	R4SB	431	FOOT	38.26269	-113.177
1213dh05	Utah	R4SB	431	FOOT	38.24168	-113.203
1213dh12	Utah	R4SB	384	FOOT	38.233	-113.213
1213ec01	Utah	R4SB	1993	FOOT	38.73227	-113.013
1213ec03	Utah	R4SB	548	FOOT	38.72949	-113.016
1213ec05	Utah	R4SB	334	FOOT	38.7062	-113.039
1213ec07	Utah	R4SB	1267	FOOT	38.69644	-113.047

1213ec09	Utah	R4SB	376	FOOT	38.695	-113.047
1213ec12	Utah	R4SB	660	FOOT	38.69016	-113.048
1213ed06	Utah	R4SB	833	FOOT	38.64461	-113.048
1213ed07	Utah	R4SB	360	FOOT	38.6431	-113.048
1213ed08	Utah	R4SB	205	FOOT	38.64283	-113.048
1213ed09	Utah	R4SB	310	FOOT	38.64316	-113.048
1213rw03	Utah	R4SB	508	FOOT	38.64885	-113.048
1213sf18	Utah	R4SB	347	FOOT	38.21376	-113.237
1213sf23	Utah	R4SB	537	FOOT	37.79294	-113.947
1213sf25	Utah	R4SB	536	FOOT	37.79196	-113.949
1214dh01	Utah	R4SB	2325	FOOT	37.79078	-113.951
1214dh02	Utah	R4SB	893	FOOT	37.7895	-113.954
1214dh07	Utah	R4SB	696	FOOT	37.78719	-113.96
1214mc09	Utah	R4SB	319	FOOT	37.76147	-113.998
1214mc10	Utah	R4SB	81	FOOT	37.7615	-113.999
1214mc11	Utah	R4SB	142	FOOT	37.76171	-113.999
1214mc12	Utah	R4SB	503	FOOT	37.76237	-113.998
1214sf01	Utah	R4SB	121	FOOT	37.79366	-113.945
1214sf03	Utah	R4SB	1052	FOOT	37.78146	-113.97
1216dh06	Utah	R4SB	271	FOOT	37.89411	-113.684
1216dh08	Utah	R4SB	826	FOOT	37.89172	-113.689
1216sf14	Utah	R4SB	475	FOOT	37.89105	-113.691
1216sf15	Utah	R4SB	606	FOOT	37.89129	-113.69
1217dh05	Utah	R4SB	288	FOOT	37.88568	-113.703
1217pd07	Utah	R4SB	289	FOOT	37.92228	-113.593
1217pd08	Utah	R4SB	536	FOOT	37.92189	-113.594
1217pd12	Utah	R4SB	176	FOOT	37.91964	-113.6
1217pd14	Utah	R4SB	349	FOOT	37.91867	-113.602
1218dg02	Utah	R4SB	519	FOOT	37.90455	-113.641
1218dh03	Utah	R4SB	500	FOOT	37.90461	-113.641
1218dh04	Utah	R4SB	546	FOOT	37.90456	-113.642
1218dh05	Utah	R4SB	56	FOOT	37.90471	-113.642
1218dh07	Utah	R4SB	532	FOOT	37.90435	-113.643
1218dh08	Utah	R4SB	403	FOOT	37.9044	-113.643
1218pd05	Utah	R4SB	497	FOOT	37.9066	-113.635
1218pd07	Utah	R4SB	302	FOOT	37.90559	-113.638

90,257 LINEAR FEET

TABLE 2- ISOLATE PLAYA AND WETLANDS

Waters_Name	State	Cowardin	Amount	Units	Latitude	Longitude
0418as01	Utah	L2US	19.48657	ACRE	39.50651	-112.739
0418sf04	Utah	L2US	37.33663	ACRE	39.51417	-112.732
0418sf13	Utah	L2US	15.62925	ACRE	39.5219	-112.724
0419sf03	Utah	L2US	1.193582	ACRE	39.52883	-112.719
1206ec08	Utah	L2US	5.902108	ACRE	39.4313	-112.894
1207ec04	Utah	L1AB	3.371333	ACRE	39.4837	-112.846
1207ec10	Utah	L2US	123.1774	ACRE	39.50263	-112.765
1208ec09	Utah	R2UB	0.348006	ACRE	39.16794	-112.888
1208ec11	Utah	R2UB	0.076379	ACRE	39.16856	-112.887
1208rw03	Utah	PEM	0.915611	ACRE	39.19932	-112.899
1208rw05	Utah	PEM	1.725268	ACRE	39.19852	-112.899
1208rw10	Utah	PEM	1.40568	ACRE	39.19444	-112.898
1208rw11	Utah	PEM	7.646752	ACRE	39.19287	-112.897
1208rw12	Utah	PEM	0.46773	ACRE	39.19489	-112.897
1208rw15	Utah	PEM	0.867603	ACRE	39.19284	-112.896
1209rw05	Utah	PEM	2.773001	ACRE	39.18001	-112.893
1212ed13	Utah	PEM	3.601217	ACRE	39.18562	-112.893
1213ed03	Utah	PUB	0.834793	ACRE	38.66103	-113.048
1215dh10	Utah	L1AB	1.345394	ACRE	37.95954	-113.441

Playa Wetland	196.8234 acres
Playa	15.05485 acres
Emergent Wetland	16.22603 acres