

# APPENDIX P

## COORDINATION WITH THE UNITED STATES ARMY CORPS OF ENGINEERS

### P.1 INTRODUCTION

As previously described in **Section 5.4.4, *Water Resources***, of this EIS, coordination took place with the U. S. Army Corps of Engineers (USACE) regarding jurisdictional delineation of potential Waters of the United States in the proposed replacement airport study area. See **Attachment P-1** for documentation of the USACE coordination process. See **Attachment P-2 and Attachment P-3** for documentation of the Jurisdictional Delineation.

The following items are attached to this Appendix.

Attachment	Items
<b>Attachment P-1: Memorandum of Understanding</b>	Memorandum of Understanding and Coordination with the United States Army Corps of Engineers (USACE)
<b>Attachment P-2: Request letter from the City of St. George to United States Army Corps of Engineers</b>	Request package for Jurisdictional Delineation from United States Army Corps of Engineers, prepared by the City of St. George, dated Dec. 6, 2004
<b>Attachment P-3 Approval letter from United States Army Corps of Engineers to the City of St. George</b>	Jurisdictional Delineation approval letter from United States Army Corps of Engineers to the City of St. George, dated Feb. 1, 2005

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**ATTACHMENT P-1  
MEMORANDUM OF UNDERSTANDING AND  
COORDINATION WITH THE UNITED STATES  
ARMY CORPS OF ENGINEERS (USACE)**

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*Rec'd* JUN 24 2003

**MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN THE  
LEAD AND COOPERATING AGENCIES  
FOR THE  
ST. GEORGE, UTAH, REPLACEMENT AIRPORT  
ENVIRONMENTAL IMPACT STATEMENT (EIS)**

The following understandings are agreed to by: the Federal Aviation Administration (FAA), acting as the lead Federal agency, and the Federal Highway Administration-Utah Division (FHWA), the National Park Service (NPS), and the United States Army Corps of Engineers (USACOE) collectively designated as cooperating Federal agencies.

This MOU describes the agencies' (signatories) respective responsibilities (consultation, preparation, and review of the EIS) pursuant to the requirements of the National Environmental Policy Act (NEPA). The City of St. George, Utah, is the sponsor of this proposed action.

**I. PURPOSE**

The purposes of this MOU are:

- (1) the designation of the FHWA, the NPS, and the USACOE as cooperating agencies in the preparation of the St. George Replacement Airport EIS,
- (2) to define each signatory's role, obligations, and jurisdictional authority regarding the EIS,
- (3) to prepare the EIS that will enable each signatory to properly address potential project related environmental impacts under their respective purview and for which they have expertise, and
- (4) to provide a framework for cooperation and coordination among the signatories to facilitate completion of the NEPA process including issuance of required Records of Decision, and fulfillment of other environmental responsibilities each signatory may have.

## II. REGULATORY CRITERIA

Under the policies, directives, plans, and operations of the FAA, and under NEPA [42 U.S.C. 4371 *et seq.*] the FAA, as lead Federal agency, has the responsibility to designate those portions of the EIS upon which each cooperating agency will focus its evaluation of environmental issues. The resource designations will be based upon legal jurisdiction or expertise of the cooperating agency, and will not limit that agency's ability to comment on other environmental resources or aspects of the EIS.

Following the directives of NEPA, the signatories to this MOU shall cooperate fully and share information and technical expertise to evaluate the potential environmental effects of the proposed action and its alternatives. Each signatory shall give full recognition and respect to the authority, expertise, and responsibility of the others. Participation in this MOU does not imply endorsement of the proposed project, nor does it abridge the independent review of the Draft and Final EIS by the signatory agencies. The signatories acknowledge that the FAA, as lead agency, has the responsibility for the content of the Draft and Final EIS and its conclusions.

## III. PROCEDURES

1. The FAA is the lead Federal agency for this project. It is ultimately responsible for preparing the Draft and Final EIS's and for assuring compliance with the requirements of NEPA. Although the FAA agrees to give respect and recognition to the jurisdiction of the cooperating agencies, the FAA is responsible for considering impacts to the quality of the human environment associated with the proposed project. FAA cannot delegate its core NEPA responsibilities to the cooperating agencies. In meeting these responsibilities, the FAA will use the environmental analyses, proposals, and expertise of the cooperating agencies to the extent possible consistent with its responsibilities, and as the lead agency, will retain ultimate responsibility for the EIS's content [see 40 CFR, 1501.6(a)(2) and Council on Environmental Quality's (CEQ) 40 Questions, No. 14b.]. This includes defining the issues, determining purpose and need of the project, selecting or approving alternatives and mitigation measures, reviewing and requiring modification of the EIS, responding to comments on the Draft EIS, and retaining responsibility for the conclusions of its environmental analysis.

2. The FAA's goal is to prepare an EIS that contains sufficient information for each signatory to fulfill their NEPA responsibilities and make independent decisions on resources and issues under their purview. As such, the cooperating agencies are to:

- (1) Participate in the NEPA process at the earliest appropriate time,
- (2) to the extent possible, make staff support available to review and comment upon draft working papers and draft EIS chapters within the timeframes allocated in the EIS scope of work,
- (3) exchange relevant information throughout the EIS process,

- (4) submit independent recommendations, and
- (5) assist the FAA in developing responses to "cooperating agency specific" comments received on the Draft and Final EIS.

The cooperating agencies will not be responsible for the actual preparation of any portion of the EIS or related technical reports, however they may provide comments to FAA on their respective resource sections.

3. As appropriate, and to enhance the effectiveness of this MOU, the FAA will work with the cooperating agencies to ensure access to FAA expertise, data, information, analyses, and comments received.
4. Within 14 calendar days of signing this MOU, each signatory will identify a designated Point of Contact (POC) for coordination and consistency on the project. It is anticipated that this project may present some complex issues. The agencies realize that this is a long-term commitment of resources and will make every effort to maintain the same POC through the duration of the NEPA process. If reassignment of the POC becomes necessary the agency will notify the MOU signatories of said change. In such cases, previous official written agreements and positions will not be revisited, unless there is significant new information or significant changes to the project, the environment, or laws and regulations.
5. The signatories will ensure appropriate coordination, communication, project updates and status reviews occur, as needed, to keep each other current on the project's progress.
6. The FAA will appropriately incorporate the comments, analyses, recommendations, and/or data submitted by the cooperating agencies in the Draft and Final EIS, and will utilize a systematic, interdisciplinary approach that will ensure the consideration of the submitted material.
7. The FAA will inform the cooperating agencies of all schedule changes that would affect an agency's ability to provide timely review of the document. Adequate time will be given for agency reviews.
8. The cooperating agencies will keep confidential and protect from public disclosure any and all documents received prior to determination by the FAA of suitability for public review or release under the directives of the Freedom of Information Act.

9. The agencies agree not to employ the services of any representative or party having a financial interest in the outcome of the proposed project. The cooperating agencies will take all necessary steps to ensure that no conflict of interest exists with its consultants, counsel, or representatives employed in this undertaking. [40 CFR §1506.5(c)] If disclosure statements are obtained as a result of contractor or other selection regarding this action, copies of the disclosure statements will be forwarded to the FAA for inclusion in the Administrative Record.

#### IV. RESOURCE DESIGNATIONS

1. Based on each cooperating agency's jurisdictions by law and/or special expertise, the FAA, pursuant to its lead agency responsibilities [CEQ 1501.6 (b)(3)], makes the following requests:

a. FHWA: The FHWA will focus its efforts on those portions of the Draft and Final EIS requiring information, review and comment on issues pertaining to the surface transportation.

b. NPS: The NPS will focus its efforts on those portions of the Draft and Final EIS requiring information, review and comment on issues pertaining to impacts upon NPS interests.

c. USACOE: The USACOE will focus its efforts on those portions of the Draft and Final EIS's requiring information, review and comment pursuant to Section 404 of the Federal Clean Water Act.

#### V. ADMINISTRATION

1. Nothing in this MOU will be construed as affecting the authority of any signatory.

2. This MOU does not obligate the FAA to provide funding for cooperating agency involvement in this effort, nor does it require the signatory agencies to obligate or expend funds in excess of available appropriations.

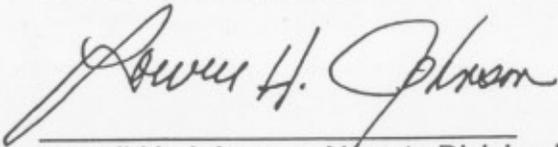
3. If a disagreement should develop between the agencies, the POC's will expeditiously attempt to resolve the disagreement through consensus. If timely amicable resolution is not achieved at the POC level, the matter shall be promptly referred to mid-level management of these agencies for their participation in the resolution process. In the event that mid-level managers are unable to reach a satisfactory solution, the matter will be referred to the persons whose signature appears in Section VI of this MOU, who will be asked by the FAA to convene a meeting or a conference call to reach a satisfactory resolution.

4. This MOU shall be terminated when the FAA issues a Record of Decision or for reasons of good cause upon 30 days prior written notice. An example of good cause is The City of George's withdrawal of the proposed action.

5. Any signatory may request re-negotiation or modification of this MOU at any time. All signatories will consider the proposed changes, and upon mutual agreement, adopt the proposed changes. The signatory that proposed the change shall provide copies of the adopted revised MOU to the other signatories.

6. This MOU shall be incorporated into or referenced in the Draft and Final EIS's for public review so that each signatory's respective roles may be understood.

VI. AGREEMENT TO PARTICIPATE IN THIS MOU



\_\_\_\_\_  
Lowell H. Johnson, Airports Division Manager  
Federal Aviation Administration  
Northwest Mountain Region

5/15/03

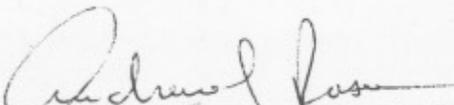
\_\_\_\_\_  
Date

\_\_\_\_\_  
Approving Authority  
Federal Highway Administration, Utah Division

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approving Authority  
National Park Service, Zion National Park

\_\_\_\_\_  
Date



\_\_\_\_\_  
Approving Authority  
U.S. Army Corps of Engineers

5 JUN 03

\_\_\_\_\_  
Date

###

**ATTACHMENT P-2  
REQUEST PACKAGE FOR JURISDICTIONAL  
DELINEATION FROM UNITED STATES ARMY  
CORPS OF ENGINEERS, PREPARED BY THE  
CITY OF ST. GEORGE, DATED DEC. 6, 2004**

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December 6, 2004

Grady McNure, District Engineer  
Department of the Army  
Sacramento District, Corps of Engineers  
St. George Office  
321 North Mall Drive, Suite L-101  
St. George, Utah 84790

Re: Request for Jurisdictional Delineation for a Section of Land Approximately 4 Miles Southeast of  
St. George, Washington County, Utah

Project Name: St. George Replacement Airport  
COE Application No.: Not Assigned

Dear Mr. McNure:

With this attachment, we are requesting the United States Army Corps of Engineers (USACE) delineate the "waters of the U.S." (WOUS) which may be affected by the placement of dredge or fill materials associated with development of the St. George Replacement Airport. In addition to project description maps, we have provided aerial photographs, a USGS 7.5' topographic map, and ground photographs of the affected area. We have also made an initial jurisdictional evaluation (areas highlighted in yellow) on one copy of the aerial photographs. Two unmarked copies are also included for you to highlight. One is for your records and one is for return to the City of St. George. Site visits conducted on April 27, 2004 and September 8, 2004 confirmed the aerial photograph accurately depicts the current condition of the project area.

Upon receipt of the approved jurisdictional delineation, we will submit a Section 404 permit application for construction of the replacement airport.

Thank you for your attention. If you have any questions, please contact Mark Johnson of Landrum & Brown at (913) 451-3311 or Wayne Colebank of Logan Simpson Design at (480) 967-1343.

Sincerely,

A handwritten signature in black ink, appearing to read "Ulane", is written over a white background.

David R. Ulane, A.A.E.  
City of St. George

Enclosures

CC: Dennis Ossenkop, FAA Northwest Mountain Region  
Mark Johnson, Landrum & Brown Incorporated  
Wayne Colebank, Logan Simpson Design Inc.

## Introduction

The City of St. George proposes to build a replacement airport southeast of the current airport located north of Fort Pearce Wash. This project is located 4 miles southeast of the City of St. George, Washington County, Utah. The project area includes portions of Sections 11, 12, 13, 14, 15, 22, 23, 26, and 27 of Township 43 South and Range 15 West (refer to the USGS 7.5' Map: *St. George, UT (1986)* and *Washington Dome, UT (1986)*).

## Project Area

The proposed project site is located within a broad plain west of Warner Ridge and Sand Mountain, about 4 miles southeast of St. George at an elevation of approximately 2,750 feet. Livestock grazing, agriculture, off-highway vehicle recreation, and other activities have heavily impacted the area. The remains of the old Civil Aeronautics Administration (CAA) Airport runway are located on site, as is a paved road from the west providing access to the old runway. As a result, a portion of the project area has been heavily impacted from current and previous human activity as well as portions that are relatively undisturbed. The majority of the area is level, with fine-textured soils and dominated by grasses and annual forbs characteristic of disturbed ground. At the southwest end of the project site there is increased topographic relief, with sandy hills and ridges of exposed bedrock rising and dropping steeply into Fort Pearce Wash, located along the southern project area boundary (see Figure 4).

The affected washes in the project area are unnamed dry wash channels that generally direct storm flows in a southwest direction towards Fort Pearce Wash (see Figure 5). Vegetation along the washes consists of general plant associations defined as rock-shrub, shrub, shrub-cactus, and creosote bush. The substrate of the drainage channels is composed of sand to fine-textured soils or exposed bedrock. The channel banks are typically greater than one foot deep and composed of either rocky slopes or eroded soil. The wash channels within the proposed project area are ephemeral (do not have a continuous flow of water). Surface water is present only for a short duration following storm events. The surface water within the project area flows from northeast to southwest towards Fort Pearce Wash, which flows to the Virgin River, within Utah's Lower Colorado River Basin.

## Jurisdictional Delineation

Logan Simpson Design Inc. conducted on-site jurisdictional evaluations of "waters of the US" (WOUS) on April 27, 2004 and September 8, 2004. There are nine ephemeral drainages proposed to be WOUS (see Sheets 1-6). No wetland or special aquatic sites were present within the boundary of area surveyed. The jurisdictional limits along drainage locations were determined using guidelines for determining WOUS, which include assessing the presence or absence of the following characteristics: 1) destruction of vegetation from water flows; 2) change in soil characteristics; 3) impression of waterline; 4) shelving or cut banks; 5) presence of litter or debris; 6) soil deposits; and 7) water stains (US Army Engineering Division 2001). There are no man-made features present within the project area. Table 1 lists conditions observed at each of the drainages. Table 2 lists the proposed jurisdictional widths and ground photo points.

Wash No. 1 flows south to north through the area surveyed (see Sheet 1). The portion of this wash that crosses the project area is mapped as a blue line on USGS topographic quadrangles. The majority of this wash flows through desert scrub. The wash appears to have conveyed storm flows from the CAA Airport runway to the north. However, an earthen dam between the runway and the wash suggest that flow through the area may have been altered. The main indicators used in the determination were destruction of vegetation from water flows, change in soil characteristics, shelving or cut banks, presence of litter or debris, soil deposits, and exposed roots. Based on the combination of these criteria, we propose this wash be considered jurisdictional with a width of 6 feet.

Wash No. 2 flows south to north through the area surveyed (see Sheet 1). The portion of this wash that crosses the project area is mapped as a blue line on USGS topographic quadrangles. The majority of this wash flows through desert scrub. The non-jurisdictional determination was made due to lack of many of the jurisdictional indicators such as change in soil characteristics, impression of water line, shelving or cut banks, soil deposits, water stains, and exposed roots. Based on the lack of these criteria, the wash is not proposed as WOUS.

Wash No. 3 flows northeast to southwest through the area surveyed and outfalls into Fort Pearce Wash (see Sheets 4 and 5). The portion of this wash that crosses the project area is indicated as a blue line on USGS topographic quadrangles. The majority of this wash flows through exposed bedrock. The main indicators used in the determination were destruction of vegetation from water flows, change in soil characteristics, impression of water line, shelving or cut banks, presence of litter or debris, soil deposits, water stains, and exposed roots. Based on the combination of these criteria, we propose this wash be considered jurisdictional with a width of 3–45 feet.

Wash No. 4 flows north to south and joins with Wash No. 3 (see Sheet 4). The portion of this wash that crosses the project area is not indicated as a blue line on USGS topographic quadrangles. The majority of this wash flows through exposed bedrock. The main indicators used in the determination were destruction of vegetation from water flows, change in soil characteristics, impression of water line, shelving or cut banks, presence of litter or debris, soil deposits, and exposed roots. Based on the combination of these criteria, we propose this wash be considered jurisdictional with a width of 12 feet.

Wash No. 5 flows north to south through the area surveyed and joins with Wash No. 3 (see Sheet 4). The portion of this wash that crosses the project area is indicated as a blue line on USGS topographic quadrangles. The majority of this wash flows through desert scrub. The main indicators used in the determination were destruction of vegetation from water flows, change in soil characteristics, impression of water line, presence of litter or debris, and soil deposits. Based on the combination of these criteria, we propose this wash be considered jurisdictional with a width of 5 feet.

Wash No. 6 flows northwest to southeast through the area surveyed and joins with Wash No. 5 (see Sheet 4). The portion of this wash that crosses the project area is not indicated as a blue line on USGS topographic quadrangles. The majority of this wash flows through desert scrub. The main indicators used in the determination were destruction of vegetation from water flows, change in soil characteristics, impression of water line, presence of litter or debris, and soil deposits. Based on the combination of these criteria, we propose this wash be considered jurisdictional with a width of 10 feet.

Wash No. 7 flows east to west through the area surveyed and outfalls into Fort Pearce Wash (see Sheet 5). The portion of this wash that crosses the project area is not indicated as a blue line on USGS topographic quadrangles. The majority of this wash flows through desert scrub. The main indicators used in the determination were destruction of vegetation from water flows, change in soil characteristics, impression of water line, shelving or cut banks, presence of litter or debris, and soil deposits. Based on the combination of these criteria, we propose this wash be considered jurisdictional with a width of 5 feet.

Wash No. 8 flows northeast to southwest through the area surveyed and outfalls into Fort Pearce Wash (see Sheet 5). The portion of this wash that crosses the project area is mapped as a blue line on USGS topographic quadrangles. The majority of this wash flows through exposed bedrock. The main indicators used in the determination were destruction of vegetation from water flows, change in soil characteristics, impression of water line, shelving or cut banks, presence of litter or debris, soil deposits, and water stains. Based on the combination of these criteria, we propose this wash be considered jurisdictional with a width of 12 feet.

Wash No. 9 (Fort Pearce Wash) flows east to west through the area surveyed and accepts flows from Wash Nos. 3-8, 10 within the project area (see Sheet 5). Fort Pearce Wash is a broad shallow watercourse that ultimately connects with the Virgin River. The portion of this wash that crosses the project area is indicated as a blue line on USGS topographic quadrangles. The main indicators used in the determination were destruction of vegetation from water flows, change in soil characteristics, impression of water line, shelving or cut banks, presence of litter or debris, soil deposits, water stains, and exposed roots. Based on the combination of these criteria, we propose this wash be considered jurisdictional with a width of 50–360 feet.

Wash No. 10 flows north to south through the area surveyed (see Sheet 6). The portion of this wash that crosses the project area is mapped as a blue line on USGS topographic quadrangles. The majority of this wash flows through desert scrub. The main indicators used in the determination were destruction of vegetation from water flows, change in soil characteristics, impression of water line, shelving or cut banks, presence of litter or debris, and soil deposits. Based on the combination of these criteria, we propose this wash be considered jurisdictional with a width of 6 feet.

### **Literature Cited**

US Army Engineer Division, South Pacific. 2001. "Final Summary Report: Guidelines for jurisdictional determinations for 'Waters of the United States' in the arid Southwest."

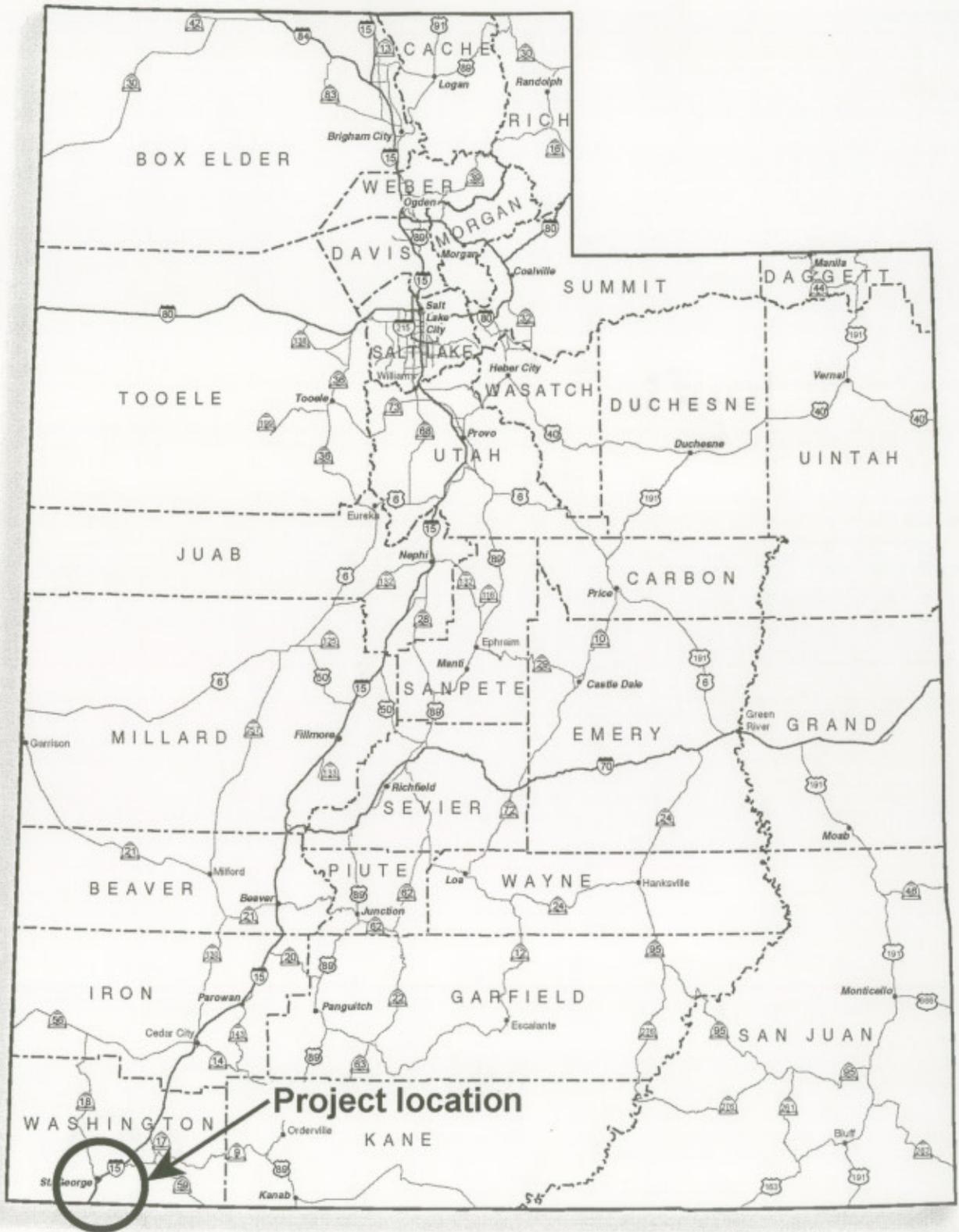
Wash No.	Wash Name	VEG	CSC	IWL	SCB	PLD	SD	WS	ER	OHWM Depth (feet)	Proposed as Jurisdictional
1	Unnamed	Y	Y	N	Y	Y	Y	N	Y	>1	Y
2	Unnamed	Y	N	N	N	Y	N	N	N	<1	N
3	Unnamed	Y	Y	Y	Y	Y	Y	Y	Y	<1	Y
4	Unnamed	Y	Y	Y	Y	Y	Y	N	Y	>1	Y
5	Unnamed	Y	Y	Y	N	Y	Y	N	N	<1	Y
6	Unnamed	Y	Y	Y	N	Y	Y	N	N	<1	Y
7	Unnamed	Y	Y	Y	Y	Y	Y	N	N	>1	Y
8	Unnamed	Y	Y	Y	Y	Y	Y	Y	N	<1	Y
9	Fort Pearce Wash	Y	Y	Y	Y	Y	Y	Y	Y	>1	Y
10	Unnamed	Y	Y	Y	Y	Y	Y	N	N	>1	Y

VEG=Destruction of vegetation from water flows; CSC=Change in soil characteristics; IWL=impression of water line; SCB=Shelving or cut banks; PLD=Presence of litter or debris; SD=Soil deposits; WS=Water stains; ER=Exposed roots; OHWM=Ordinary high water mark

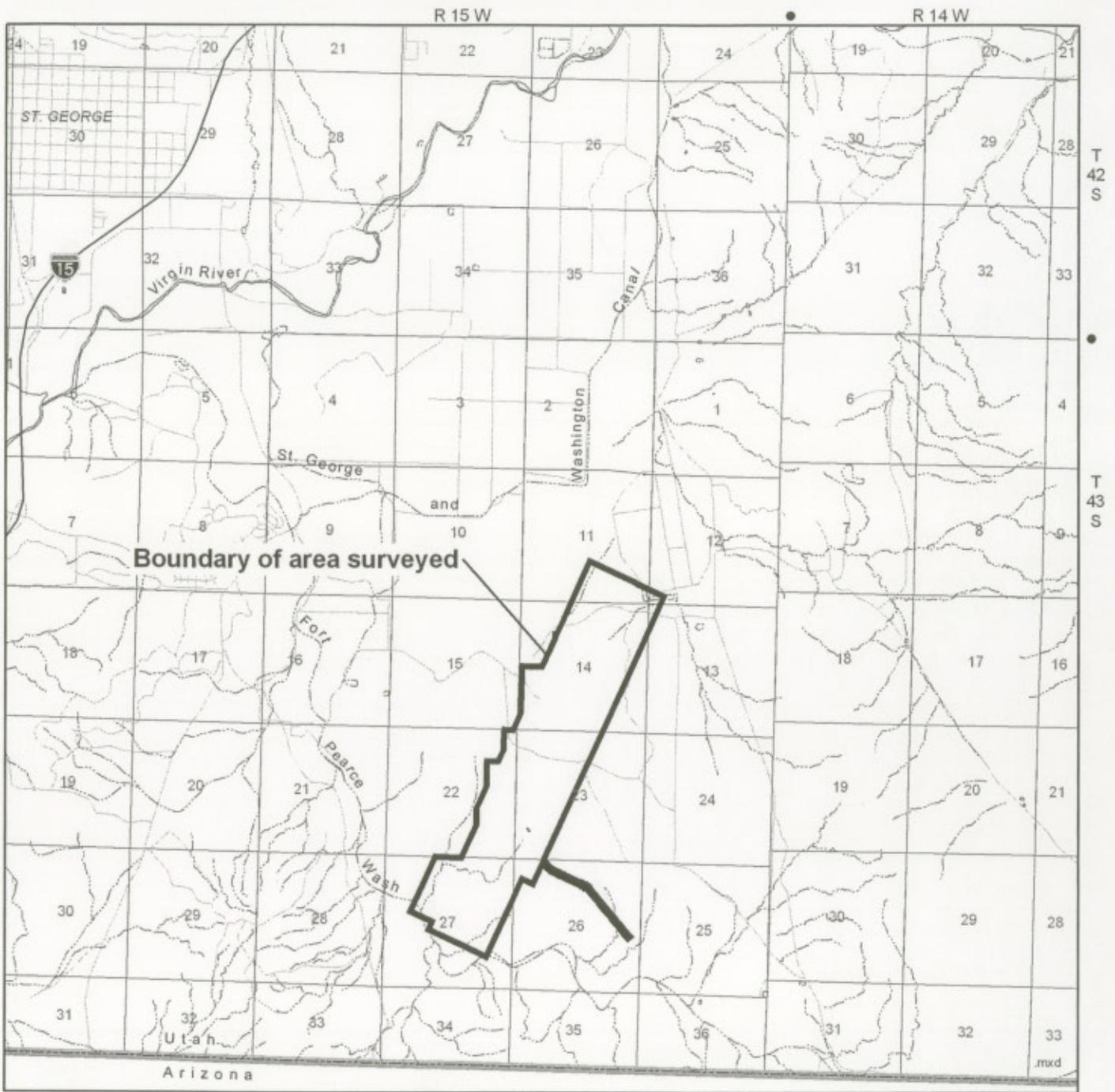
**Table 1.** Waters of the U.S. Indicators

Wash Number	Wash Name	Jurisdictional Width (feet)	Photograph Number(s)
1	Unnamed	6	39-46
2	Unnamed	0	35-38, 47-50
3	Unnamed	3-45	8-15, 55-58
4	Unnamed	12	16-19
5	Unnamed	5	51, 52
6	Unnamed	10	53, 54
7	Unnamed	5	62, 63
8	Unnamed	12	20-26, 31-34
9	Fort Pearce Wash	50-360	27, 30, 33-34, 59-61
10	Unnamed	6	1-7

**Table 1.** Waters of the U.S. Indicators



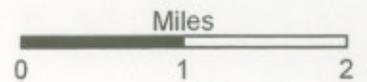
**Figure 1. State Location Map**



Source: Automated Geographic Reference Center GIS coverage (2001)

Key

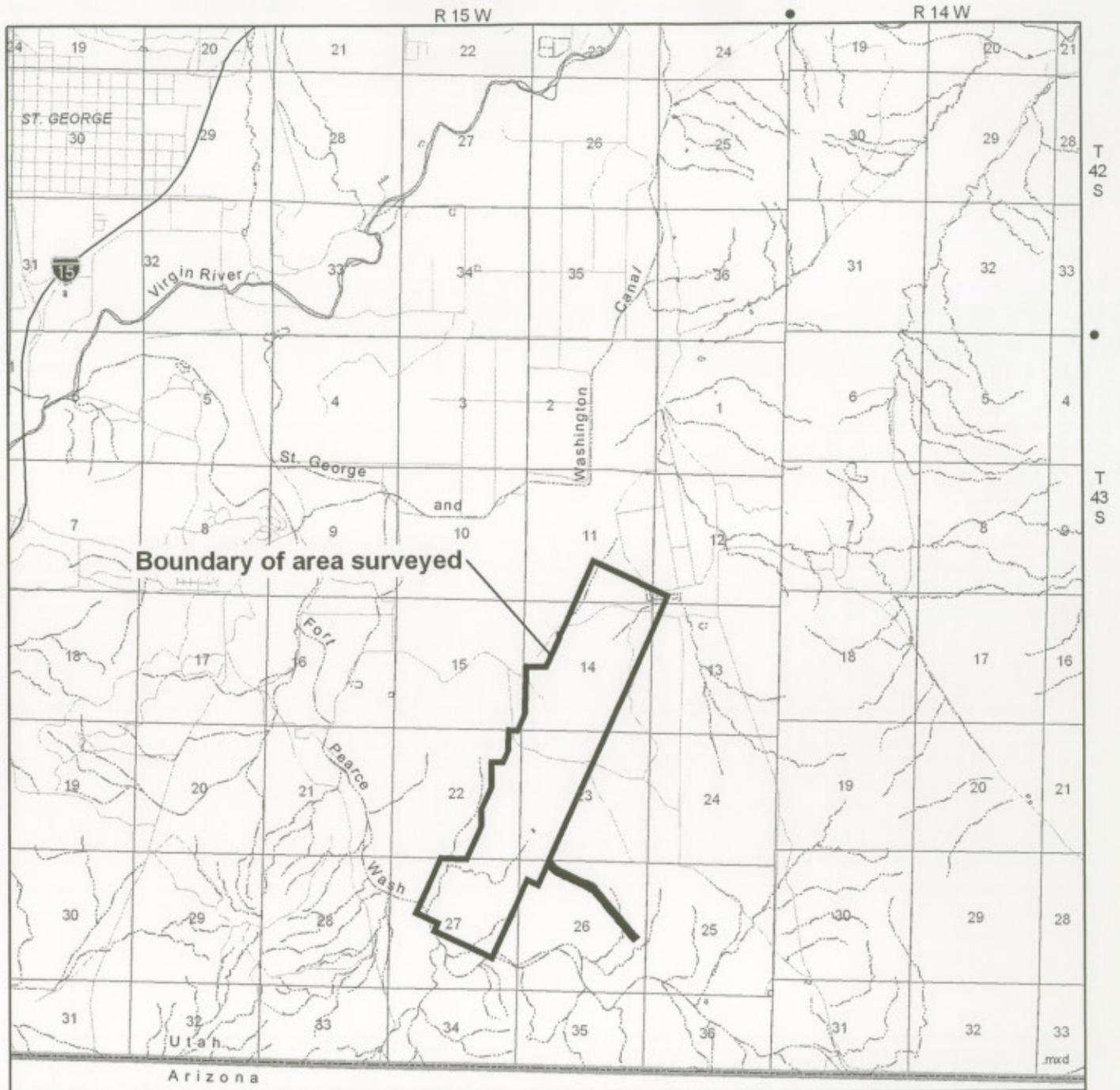
 Boundary of area surveyed



**Figure 2.** Project Vicinity Map

St. George Airport  
Section 404 Jurisdictional Delineation

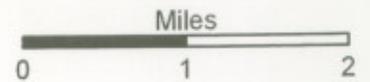
November 2004



Source: Automated Geographic Reference Center GIS coverage (2001)

Key

 Boundary of area surveyed

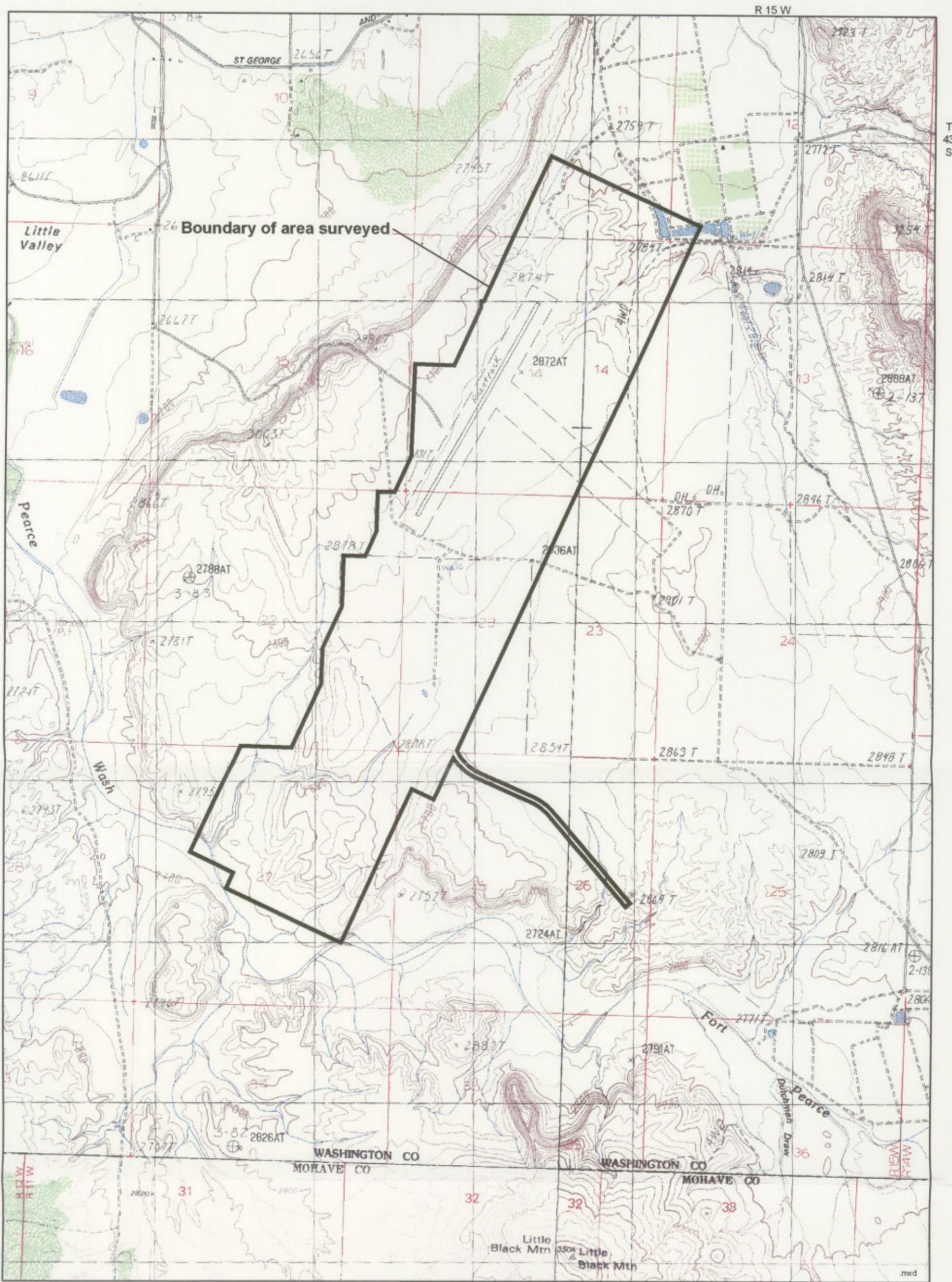


Note: No FEMA Q3 flood data available for Washington County, Utah

**Figure 3. Floodplain Map**

St. George Airport  
Section 404 Jurisdictional Delineation

November 2004



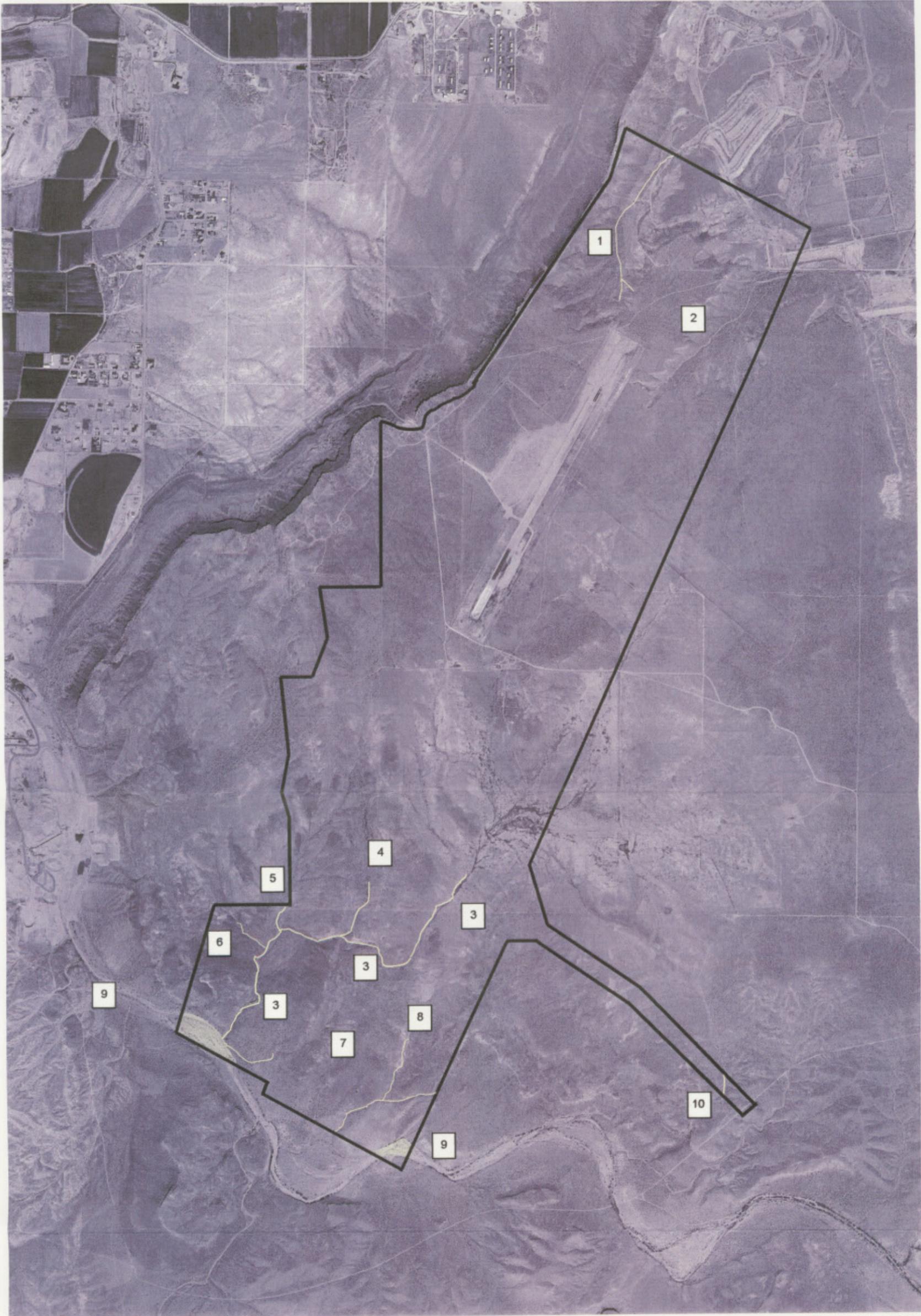
Sources: USGS 7.5' Quadrangles St. George, UT (1986 provisional) and Washington Dome, UT (1986 provisional)

Key  
 Boundary of area surveyed

Mile  
 0 0.5 1



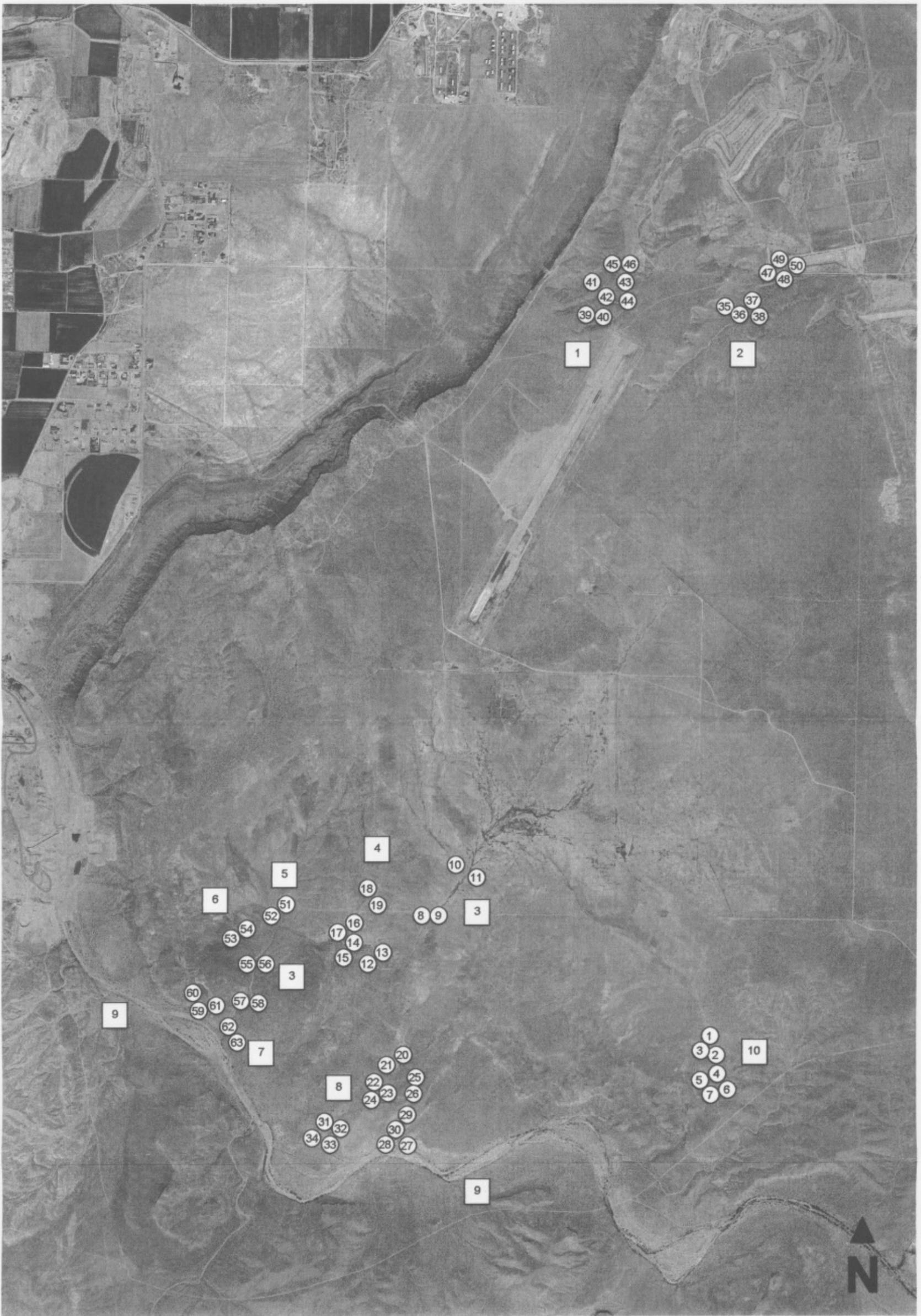
Figure 4. Topographic Map  
 St. George Airport  
 Section 404 Jurisdictional Delineation



- # Wash No.
- Proposed waters of the US

Scale: 1"=1500'

**Figure 5. Proposed jurisdictional washes**



Scale: 1"=1500'

# Photo Point

# Wash No.

Figure 6. Photo Location Map

Photo Point 1



Upstream view of Wash No. 10 facing north

Photo Point 2



Upstream view of Wash No. 10 tributary facing northwest

Ground Photos

Photo Point 3



Downstream view of Wash No. 10 facing south

Photo Point 4



Upstream view of Wash No. 10 tributary facing west

Photo Point 5



Downstream view of Wash No. 10 facing south

Photo Point 6



Upstream view of Wash No. 10 tributary facing west

Ground Photos

Photo Point 7



Downstream view of Wash No. 10 tributary facing east

Photo Point 8



Upstream view of Wash No. 3 facing southwest

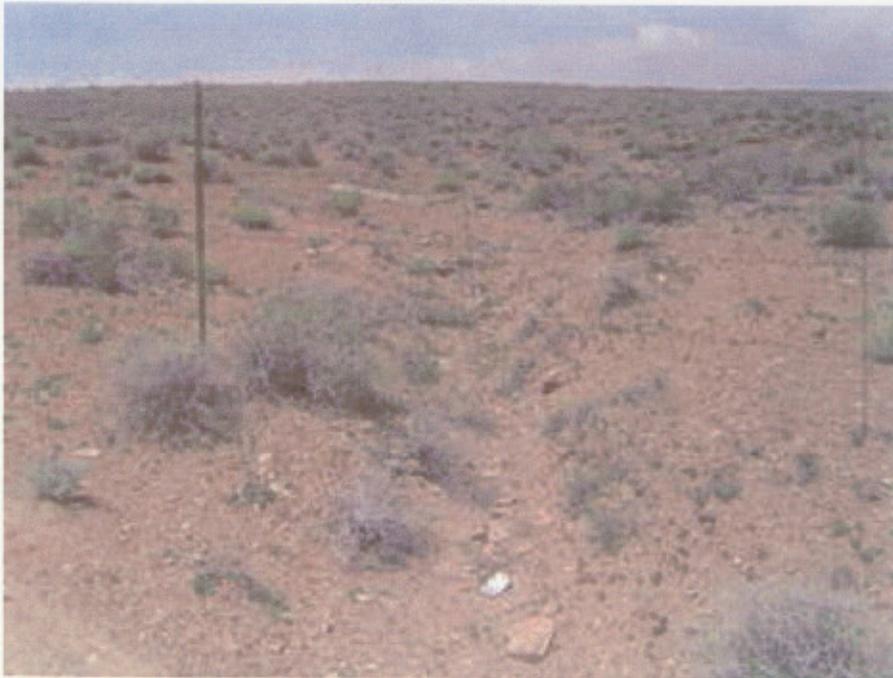
Ground Photos

Photo Point 9



Downstream view of Wash No. 3 facing northeast

Photo Point 10



Upstream view of Wash No. 3 facing northeast

**Ground Photos**

Photo Point 11



Downstream view of Wash No. 3 facing southwest

Photo Point 12



Downstream view of Wash No. 3 facing west

Ground Photos

Photo Point 13



Upstream view of Wash No. 3 facing east

Photo Point 14



Upstream view of Wash No. 3 facing east

**Ground Photos**

Photo Point 15



Downstream view of Wash No. 3 facing west

Photo Point 16



Upstream view of Wash No. 4 facing north

Ground Photos

Photo Point 17



Downstream view of Wash No. 4 facing south

Photo Point 18



Upstream view of Wash No. 4 facing north

Ground Photos

Photo Point 19



Downstream view of Wash No. 4 facing south

Photo Point 20



Upstream view of Wash No. 8 facing northeast

Ground Photos

Photo Point 21



Downstream view of Wash No. 8 facing southwest

Photo Point 22



Upstream view of Wash No. 8 facing northeast

Ground Photos

Photo Point 23



Upstream view of Wash No. 8 tributary facing east

Photo Point 24



Downstream view of Wash No. 8 facing southwest

**Ground Photos**

Photo Point 25



Upstream view of Wash No. 8 tributary facing east

Photo Point 26



Downstream view of Wash No. 8 tributary facing west

Ground Photos

Photo Point 27



Upstream view of Wash No. 9 (Fort Pearce Wash) facing southeast

Photo Point 28



Downstream view of Wash No. 9 (Fort Pearce Wash) facing southwest

Photo Point 29



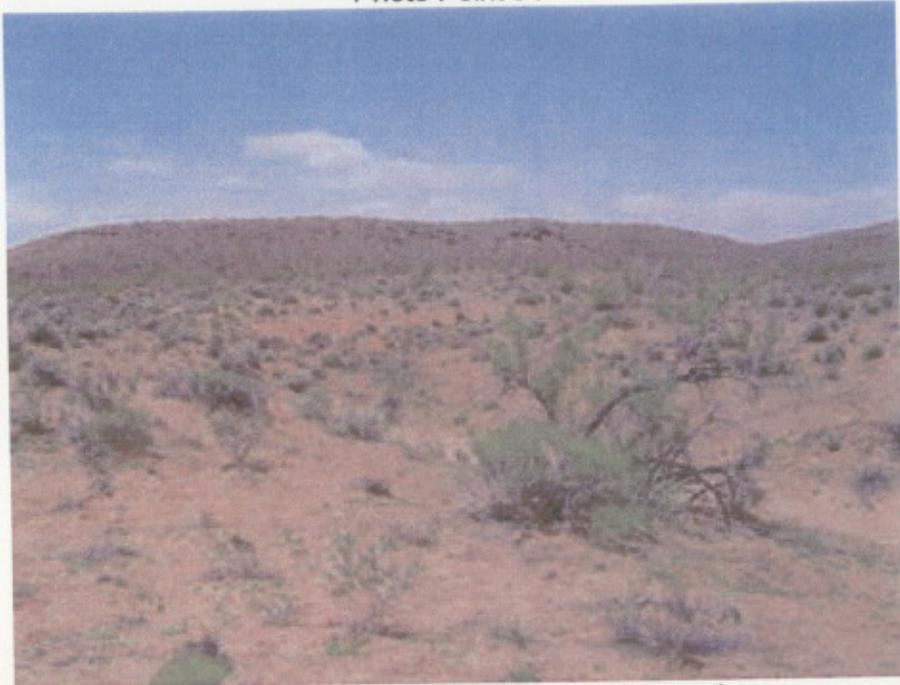
Upstream view of Wash No. 9 (Fort Pearce Wash) tributary facing north

Photo Point 30



Upstream view of Wash No. 9 (Fort Pearce Wash) tributary facing north

Photo Point 31



Upstream view of Wash No. 8 facing north

Photo Point 32



Downstream view of Wash No. 8 facing south

Ground Photos

Photo Point 33



Downstream view of Wash No. 2 (Fort Pearce Wash) at Wash No. 8 outfall facing southwest

Photo Point 34



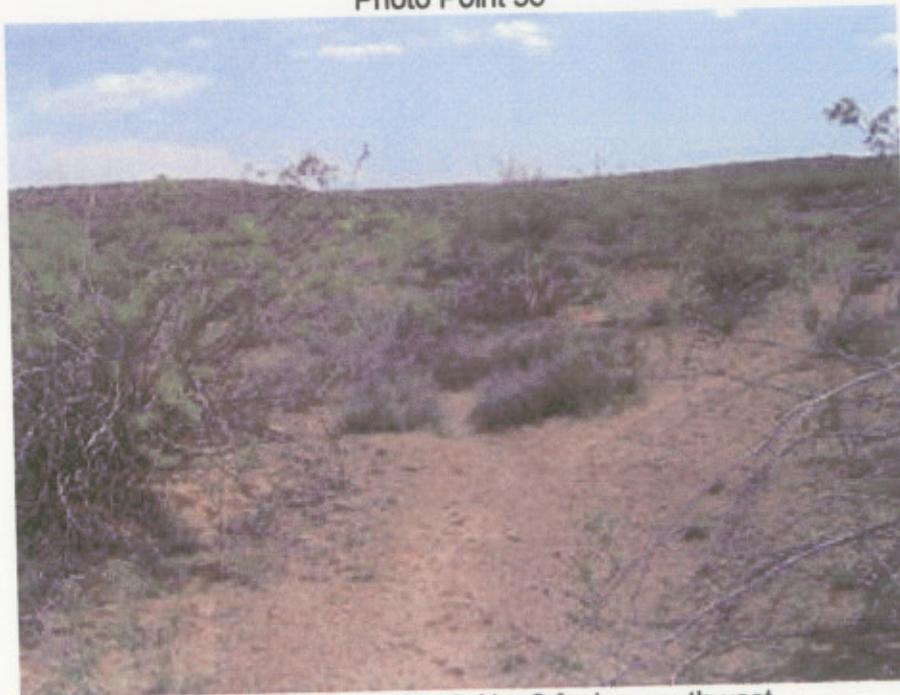
Downstream view of Wash No. 2 (Fort Pearce Wash) at Wash No. 8 outfall facing southeast

Photo Point 35



Downstream view of Wash No. 2 facing northeast  
(Not jurisdictional)

Photo Point 36



Upstream view of Wash No. 2 facing southwest  
(Not jurisdictional)

Photo Point 37



Downstream view of Wash No. 2 facing northeast  
(Not jurisdictional)

Photo Point 38



Upstream view of Wash No. 2 facing southwest  
(Not jurisdictional)

Photo Point 39



Upstream view of Wash No. 1 facing south

Photo Point 40



Downstream view of Wash No. 1 facing north

Ground Photos

Photo Point 41



Upstream view of Wash No. 1 facing southwest

Photo Point 42



Downstream view of Wash No. 1 facing north

Ground Photos

Photo Point 43



Downstream view of Wash No. 1 tributary facing north

Photo Point 44



Upstream view of Wash No. 1 tributary facing south

Ground Photos

**SECTION 404 JURISDICTIONAL DELINEATION**

US Army Corps of Engineers, Sacramento District  
Application No. \_\_\_\_\_

Boundary of area surveyed for  
jurisdictional waters of the United  
States  
Ordinary High Water Mark

Waters of the United States

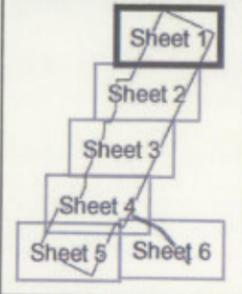
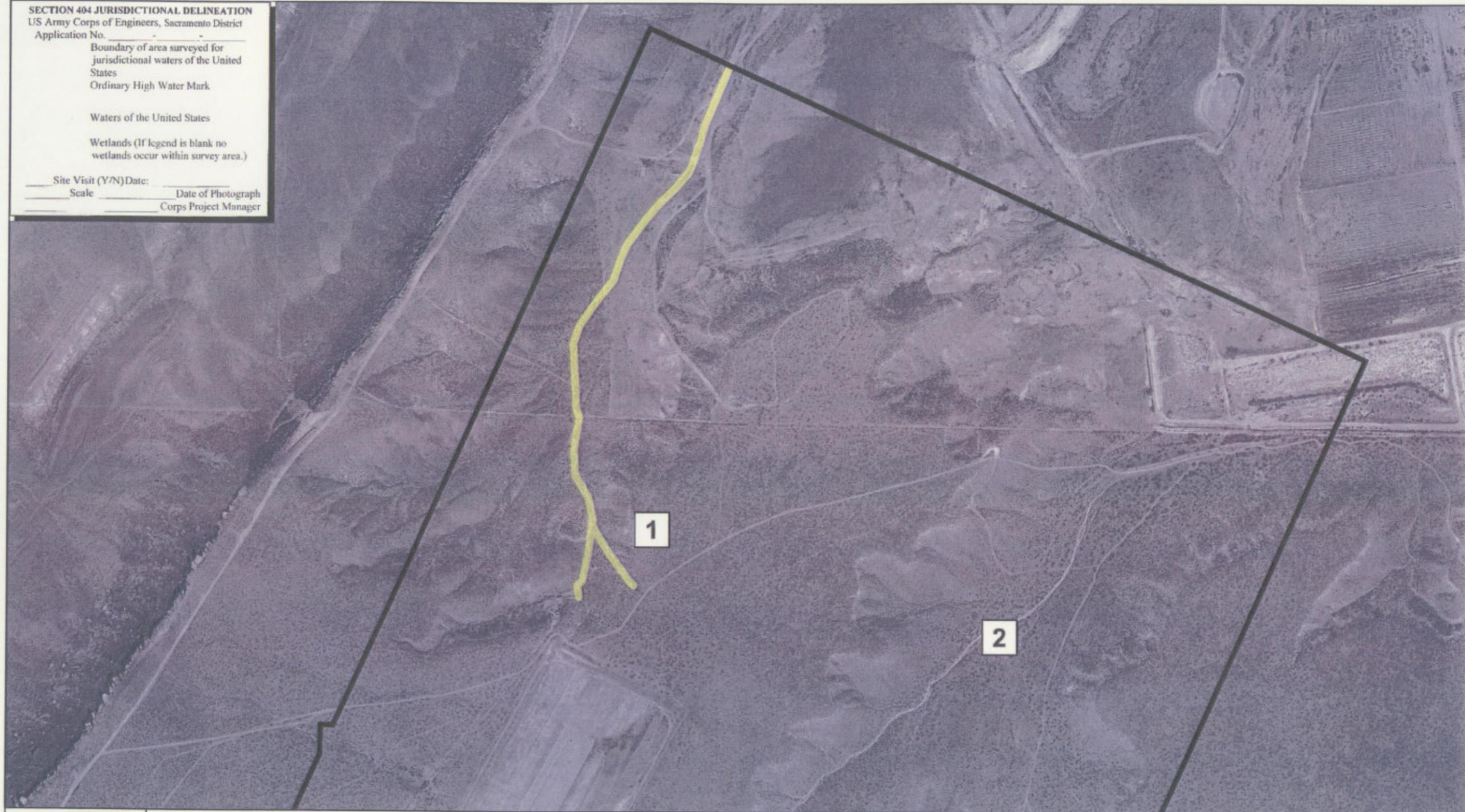
Wetlands (If legend is blank no  
wetlands occur within survey area.)

Site Visit (Y/N) Date: \_\_\_\_\_

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Date of Photograph \_\_\_\_\_

Corps Project Manager \_\_\_\_\_



Key	
	Boundary of area surveyed
	Proposed Waters of the US
	Wash Number

Section 404 Jurisdictional Delineation St. George Airport Relocation		
 LOGAN SIMPSON DESIGN INC.	Feet 0 400	November 2004
	1" = 400 feet 	Sheet 1 of 6

**SECTION 404 JURISDICTIONAL DELINEATION**

US Army Corps of Engineers, Sacramento District

Application No. \_\_\_\_\_

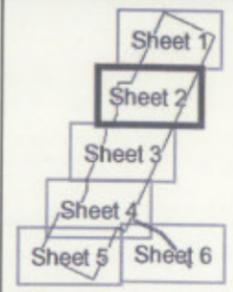
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Ordinary High Water Mark

Waters of the United States

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Corps Project Manager \_\_\_\_\_



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Section 404 Jurisdictional Delineation St. George Airport Relocation		
 LOGAN SIMPSON DESIGN INC.	Feet 0 400 1" = 400 feet 	November 2004
	Sheet 2 of 6	

**SECTION 404 JURISDICTIONAL DELINEATION**

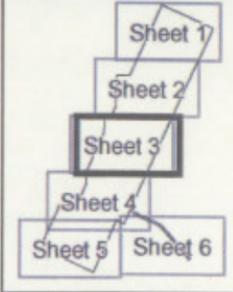
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Corps Project Manager \_\_\_\_\_



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Section 404 Jurisdictional Delineation  
St. George Airport Relocation

 LOGAN SIMPSON DESIGN INC.	Feet 0 400	November 2004
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**SECTION 404 JURISDICTIONAL DELINEATION**

US Army Corps of Engineers, Sacramento District  
Application No. \_\_\_\_\_

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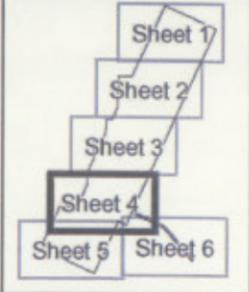
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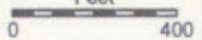
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Date of Photograph \_\_\_\_\_

Corps Project Manager \_\_\_\_\_



Key	
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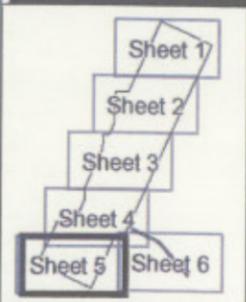


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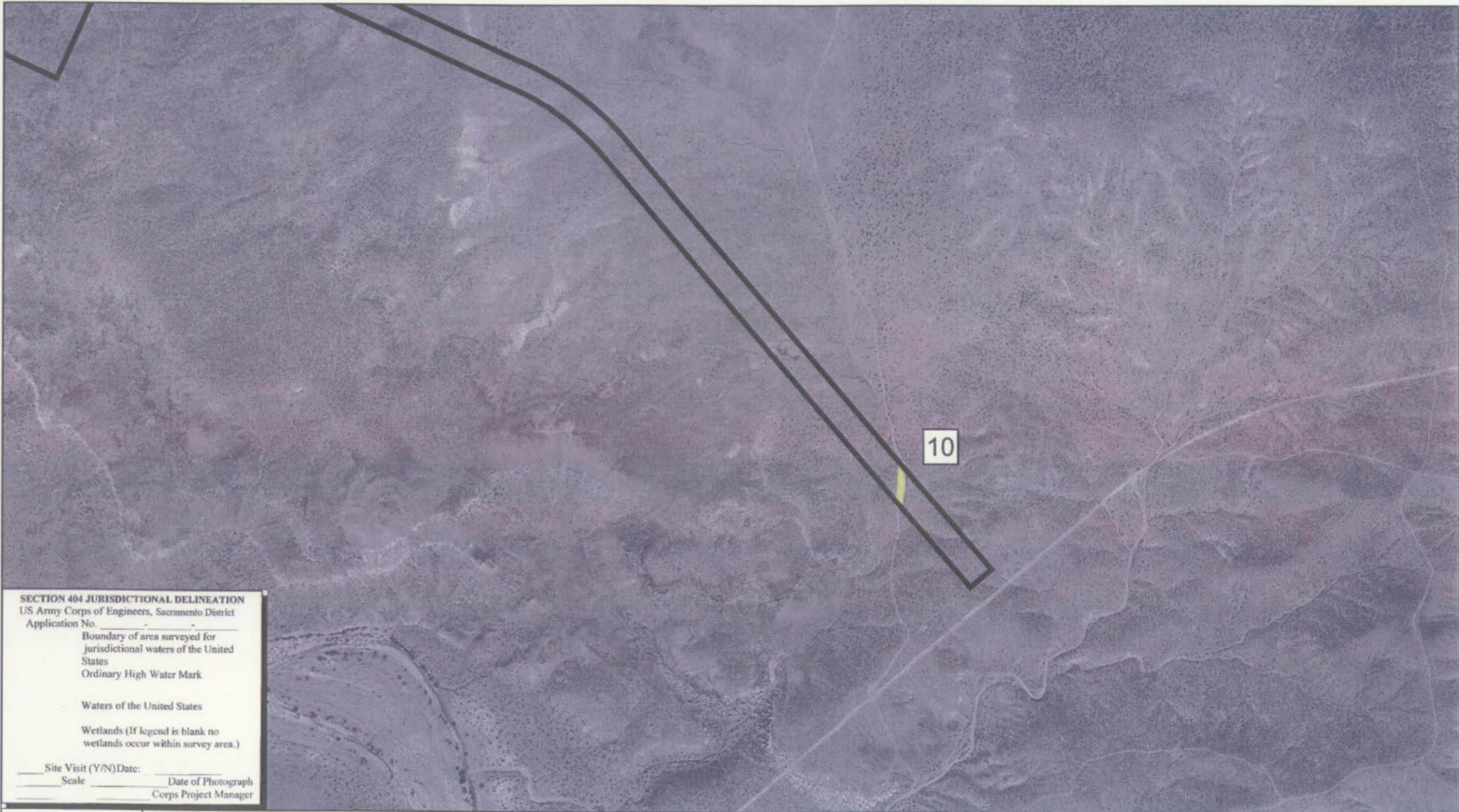
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 Corps Project Manager \_\_\_\_\_

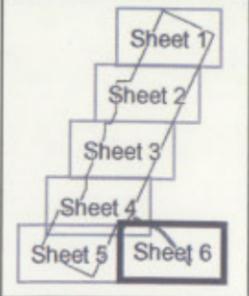


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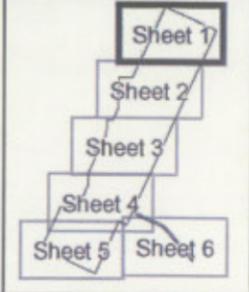
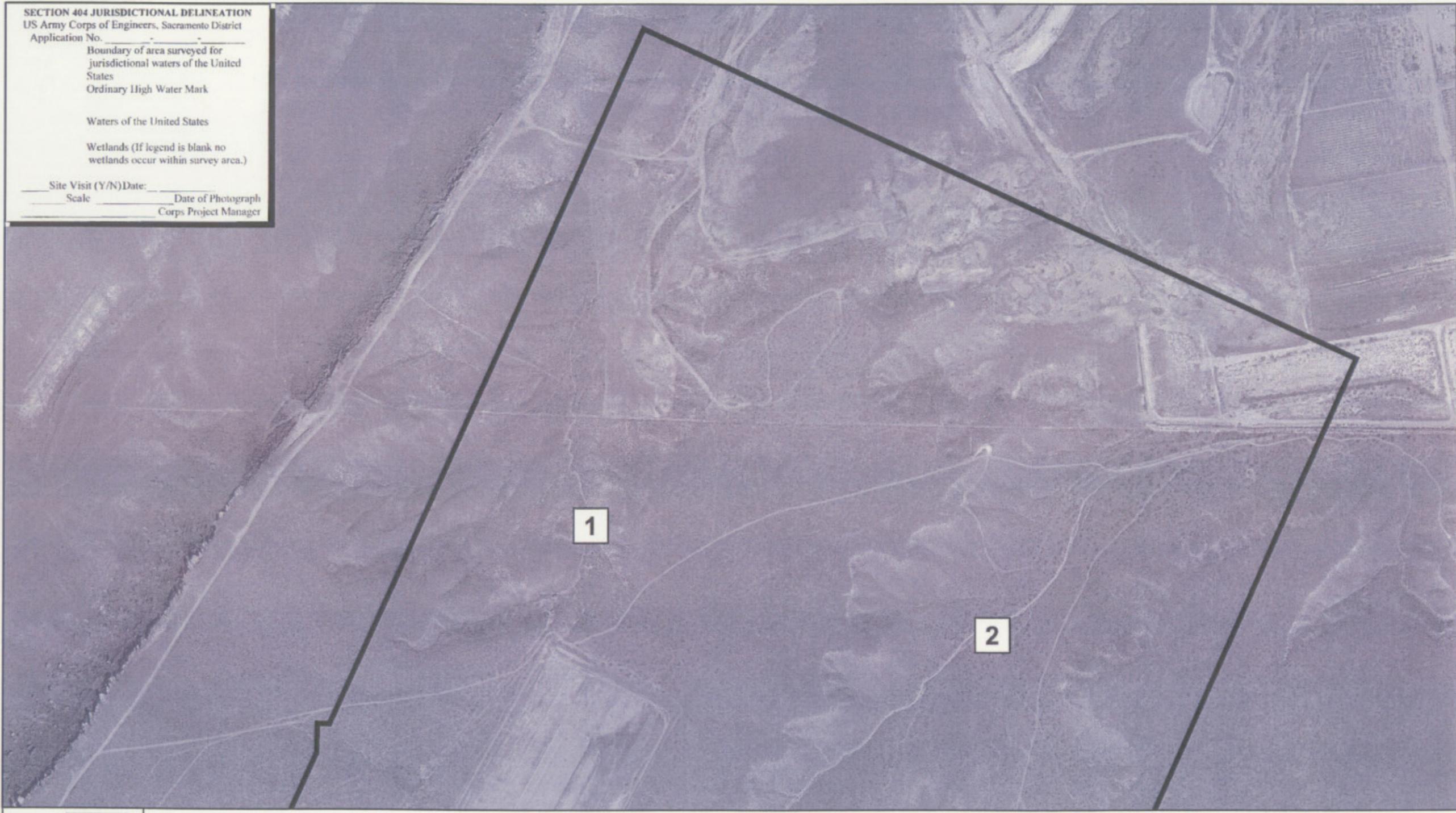
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Scale \_\_\_\_\_

Date of Photograph \_\_\_\_\_

Corps Project Manager \_\_\_\_\_



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Section 404 Jurisdictional Delineation St. George Airport Relocation		
 LOGAN SIMPSON DESIGN INC.	Feet 0 400	November 2004
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US Army Corps of Engineers, Sacramento District

Application No. \_\_\_\_\_

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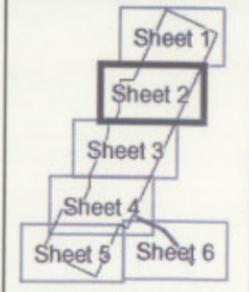
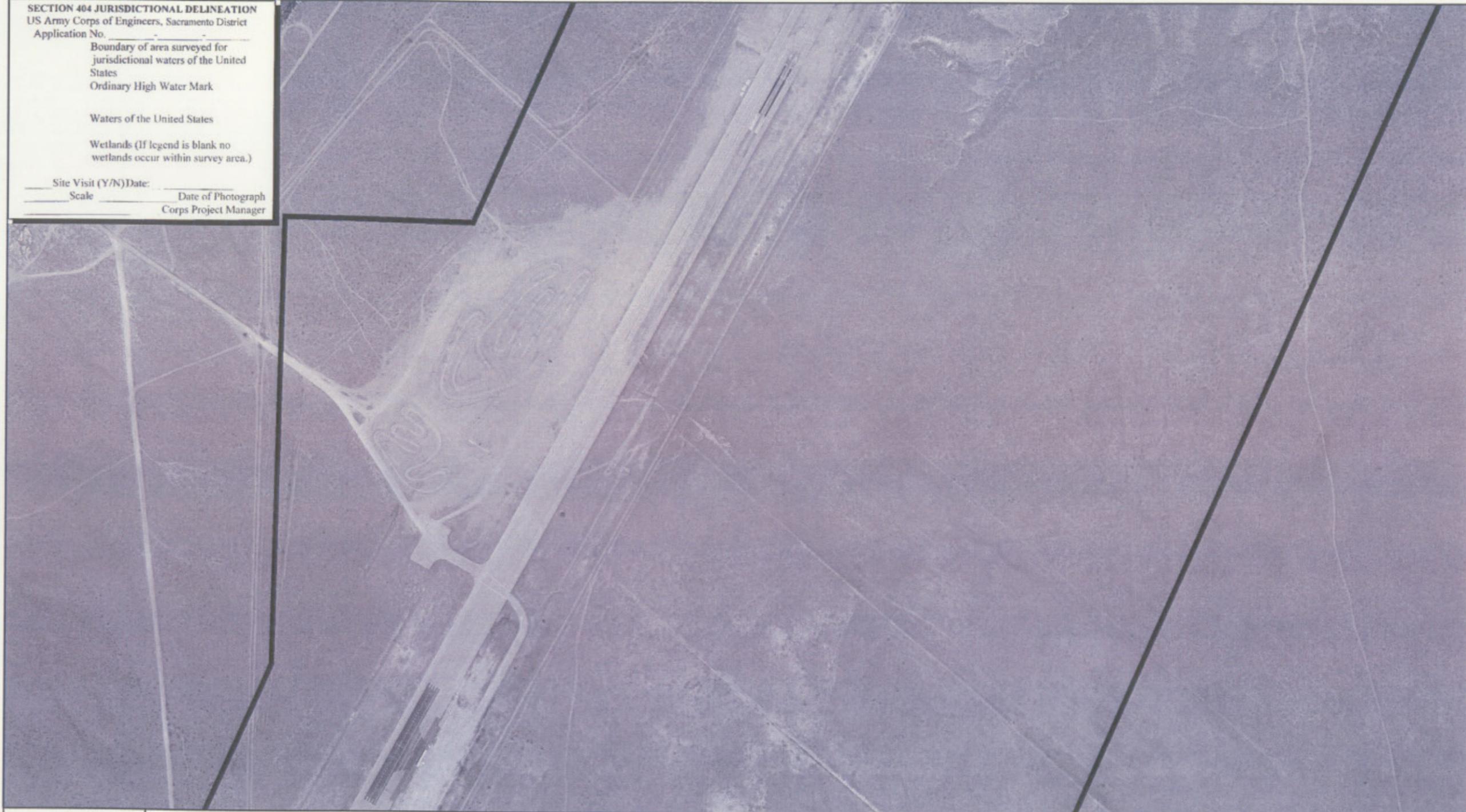
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Section 404 Jurisdictional Delineation St. George Airport Relocation		
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**SECTION 404 JURISDICTIONAL DELINEATION**

US Army Corps of Engineers, Sacramento District

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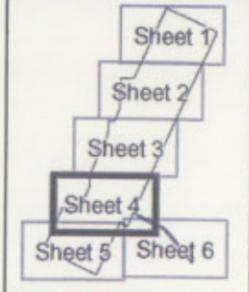
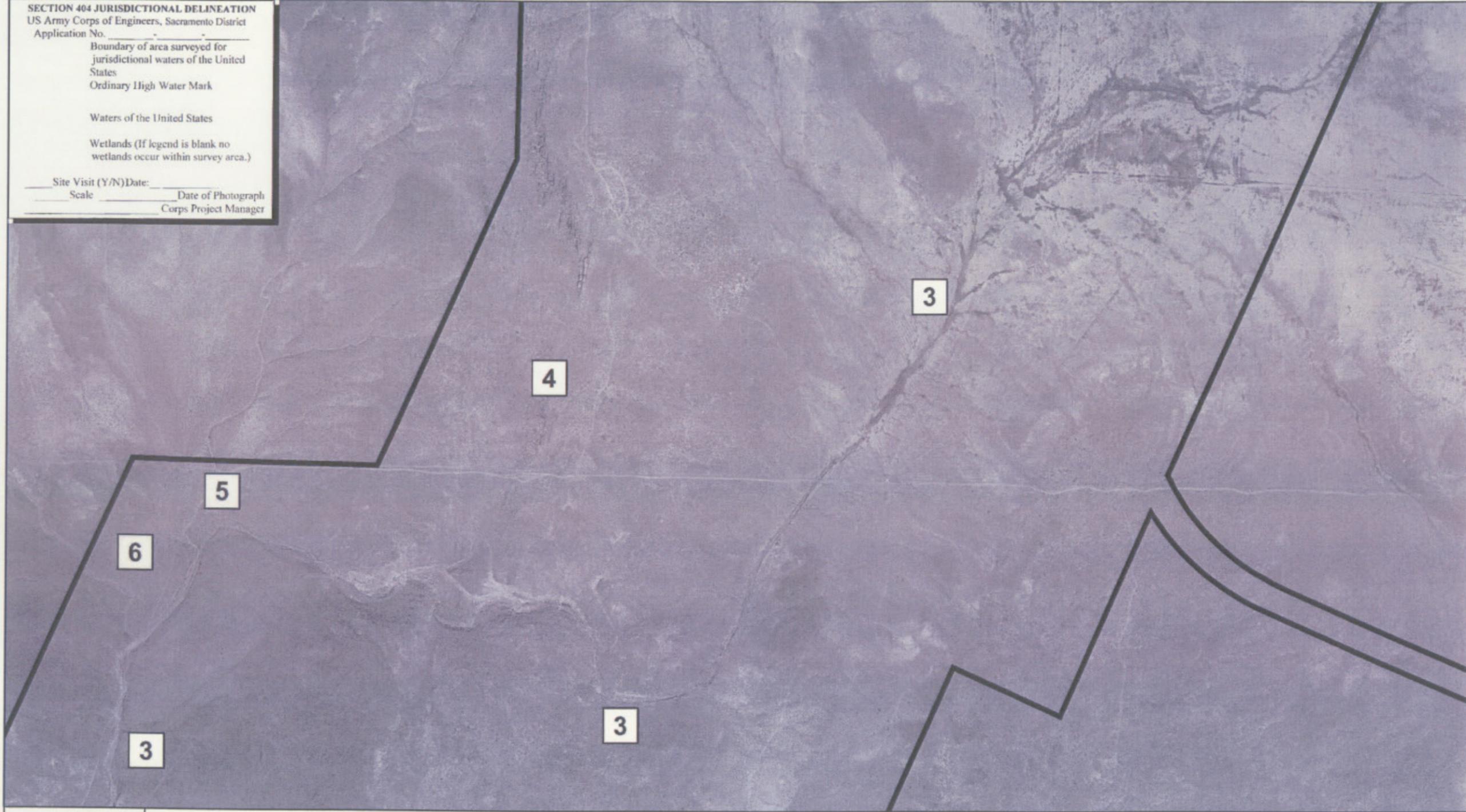
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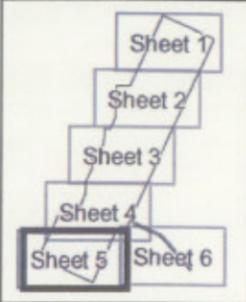
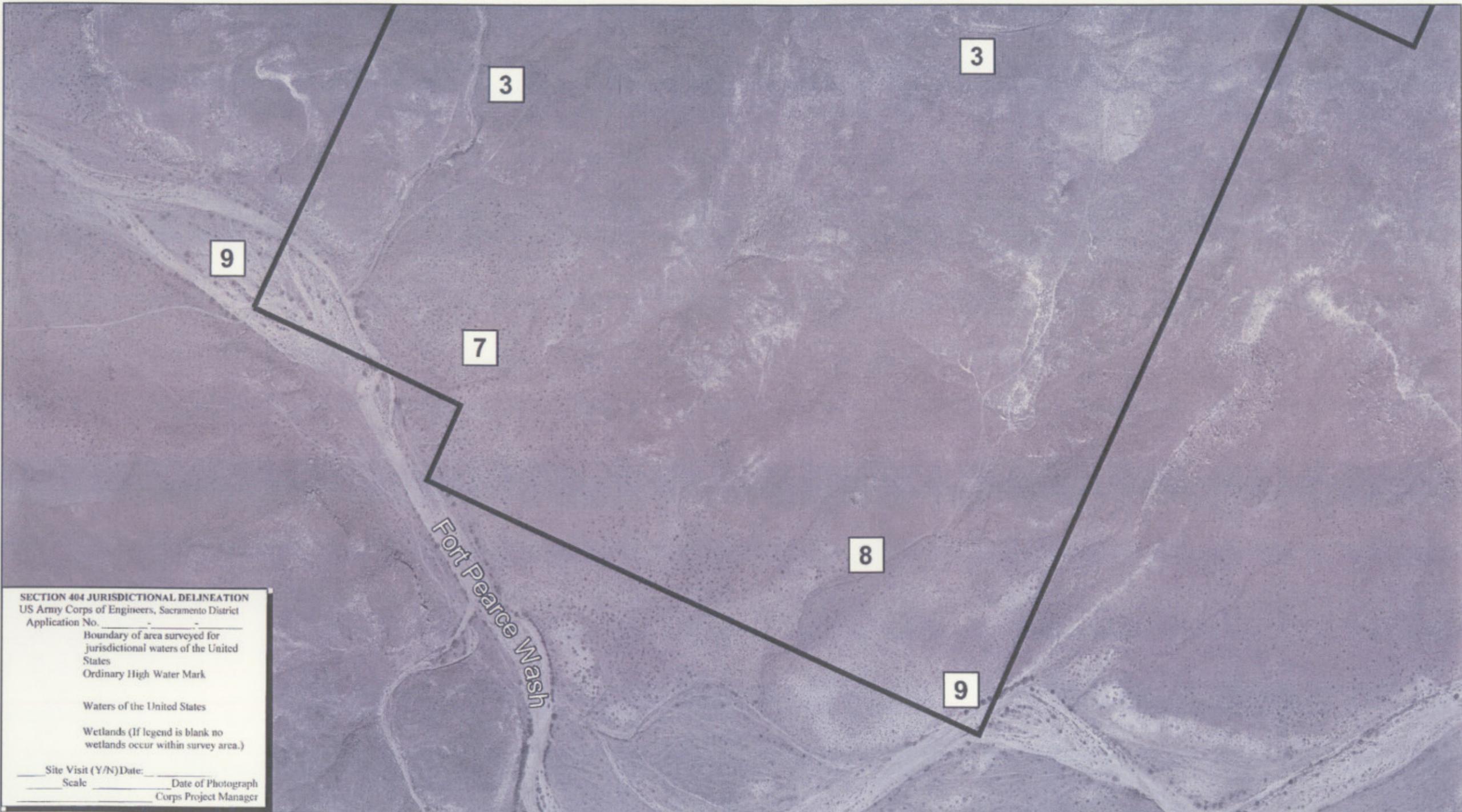
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Corps Project Manager \_\_\_\_\_



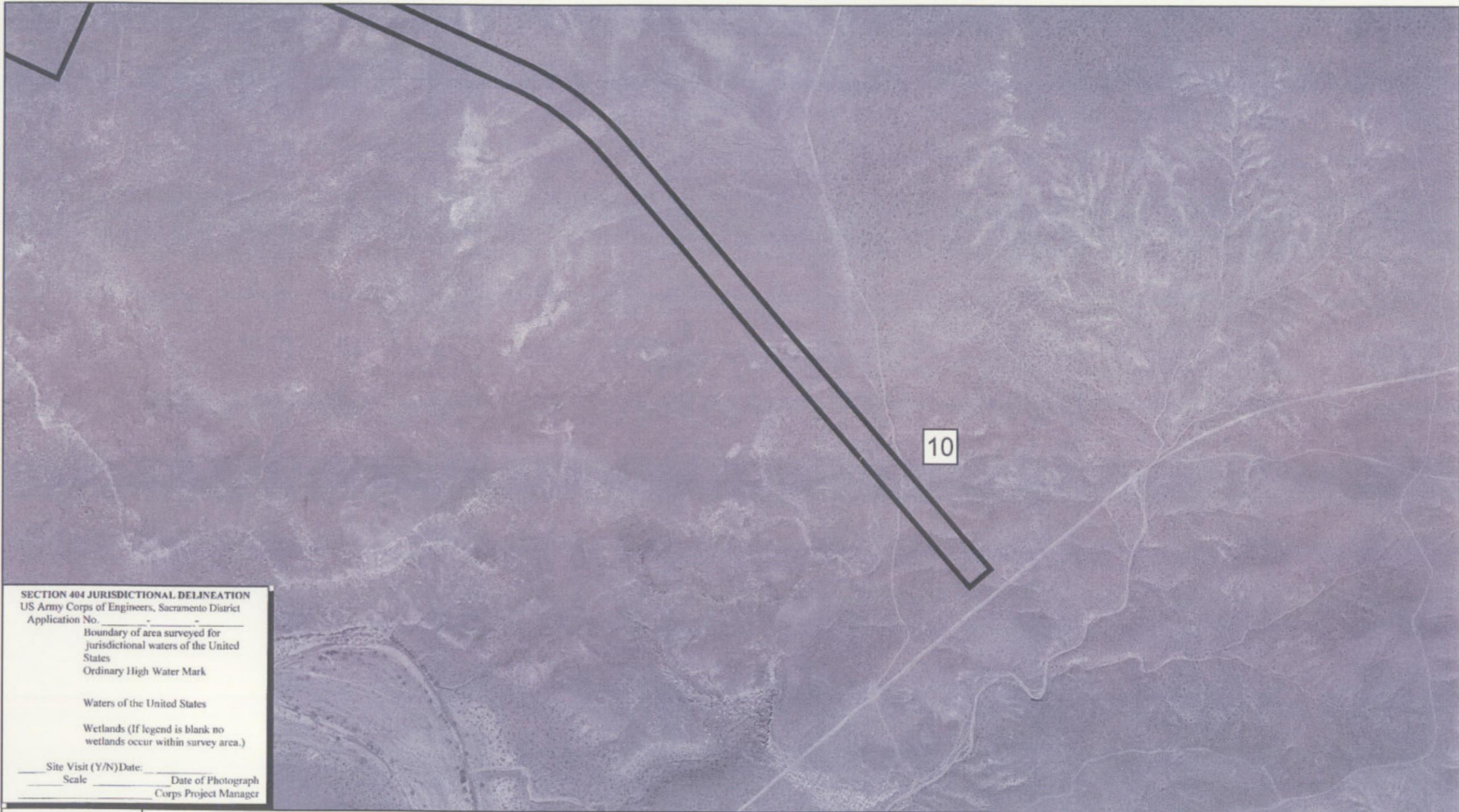
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	Sheet 4 of 6	

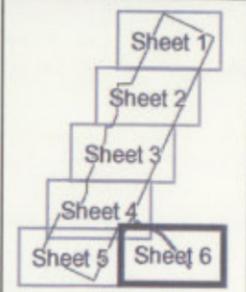


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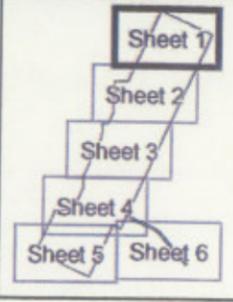
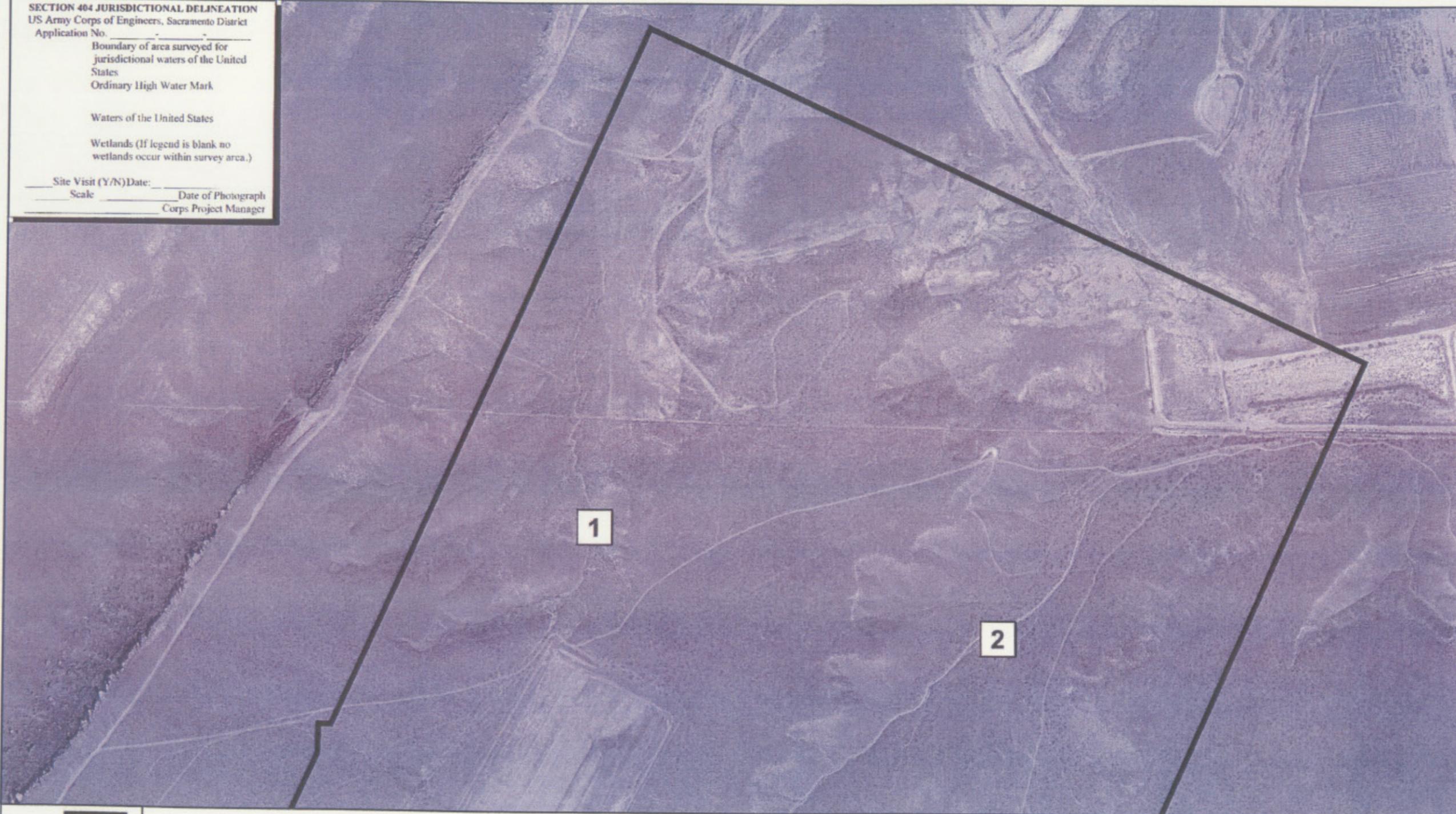
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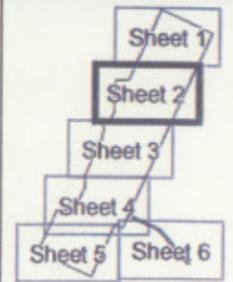
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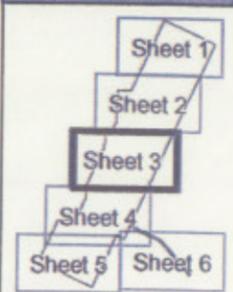
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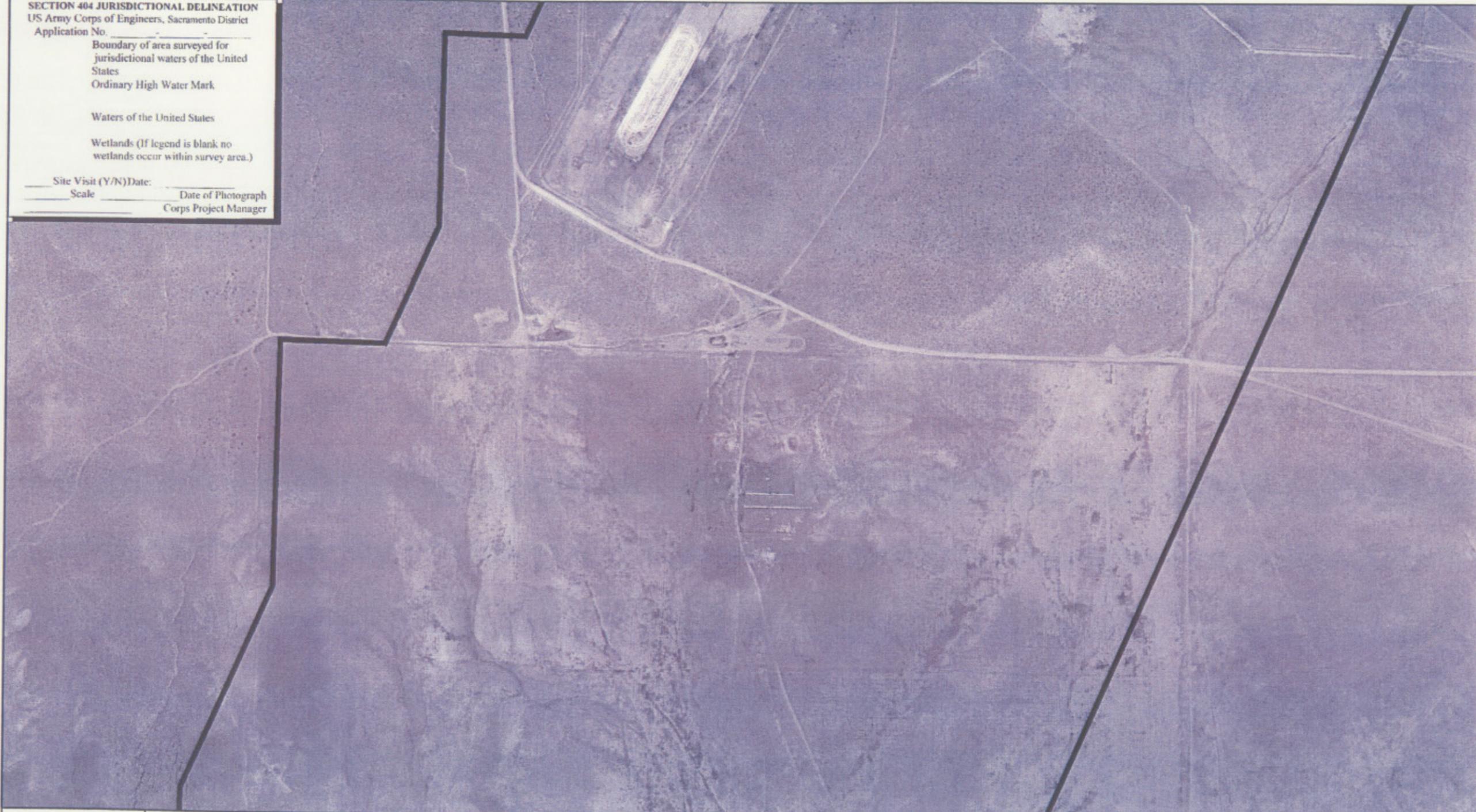
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Corps Project Manager \_\_\_\_\_



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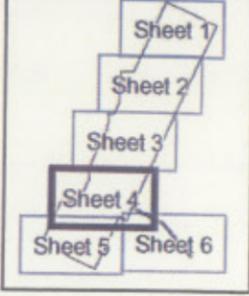
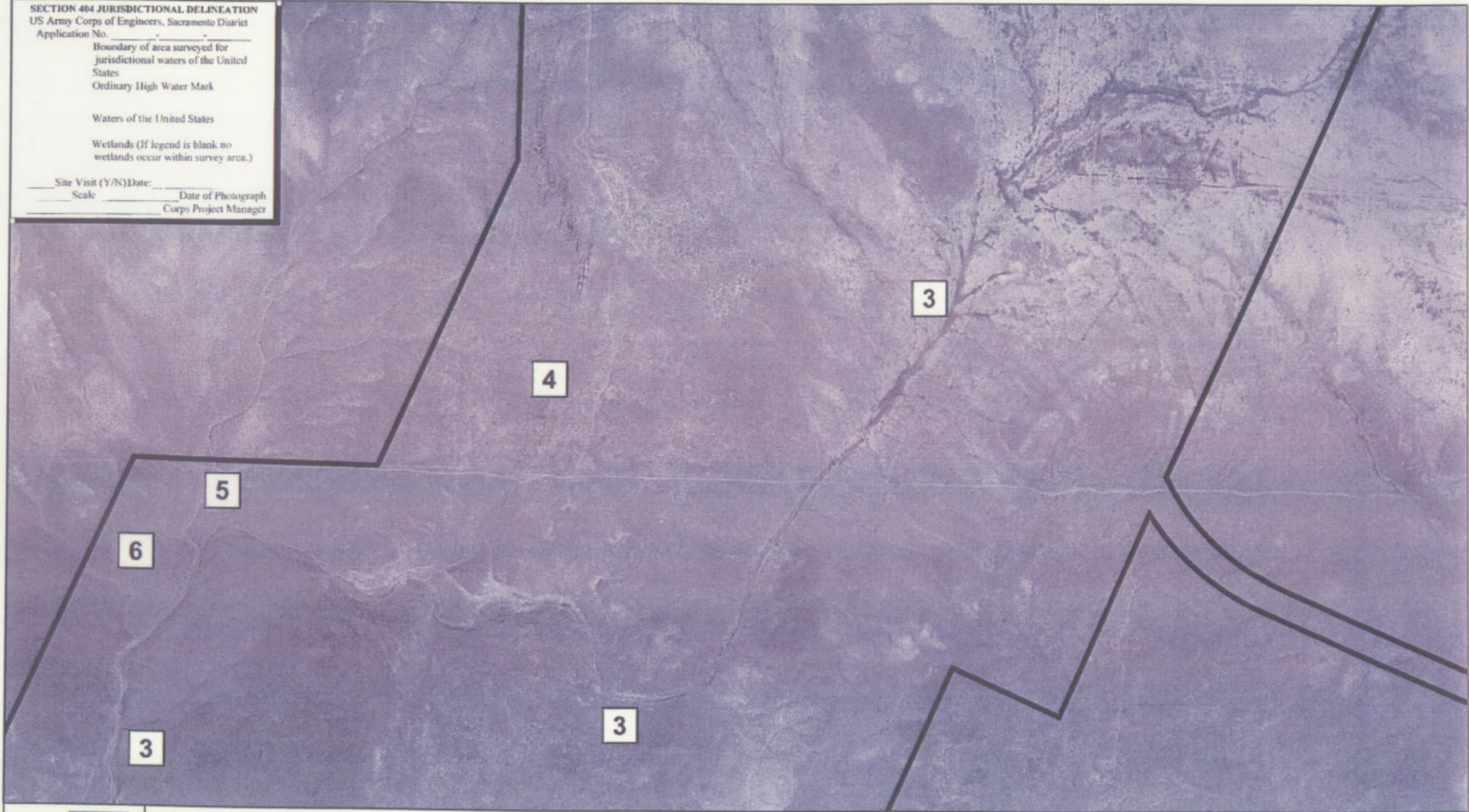
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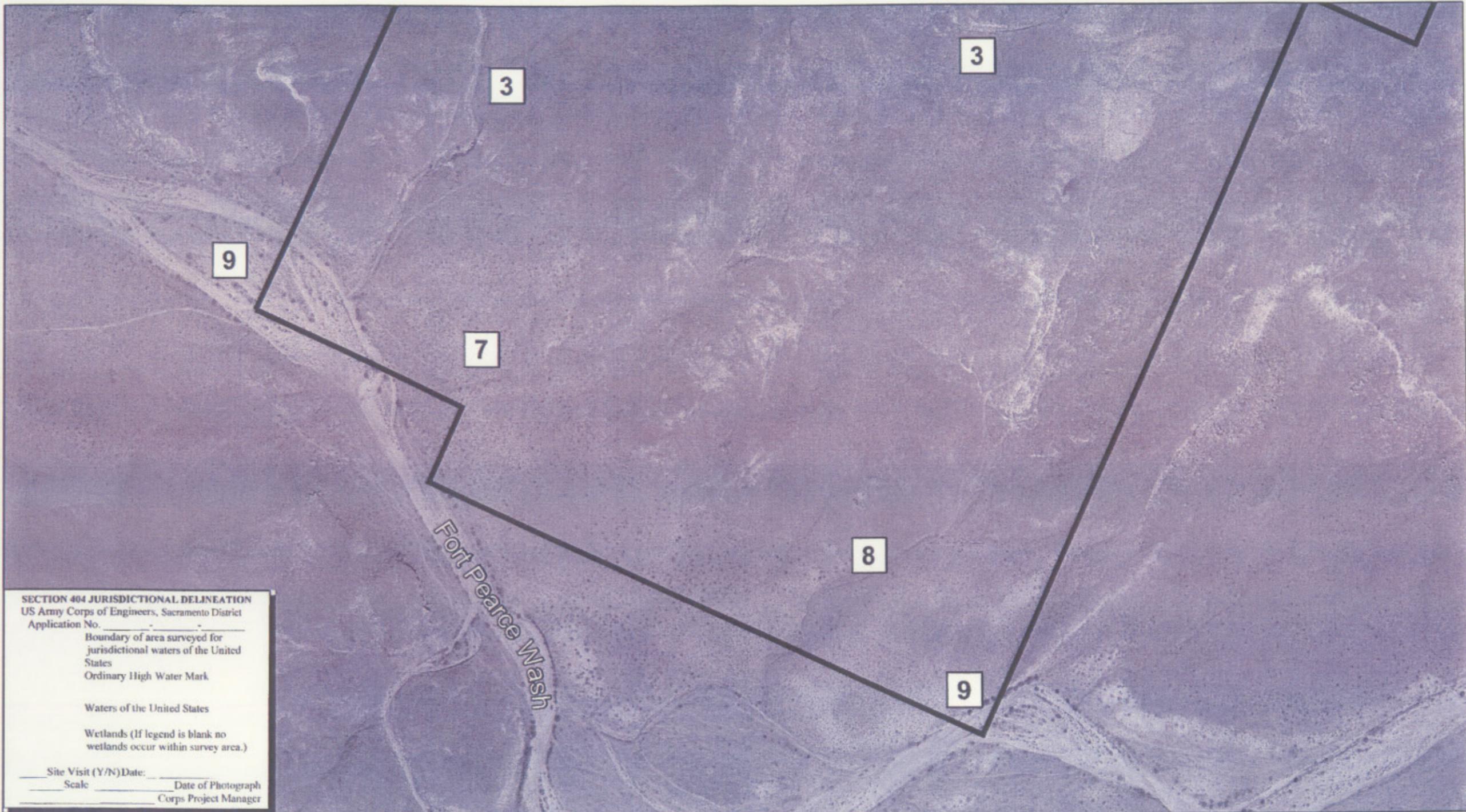


**Key**

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 LOGAN SIMPSON DESIGN INC.	Feet 0 ————— 400 1" = 400 feet	November 2004 Sheet 4 of 6

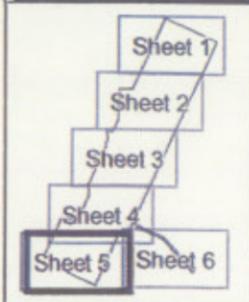


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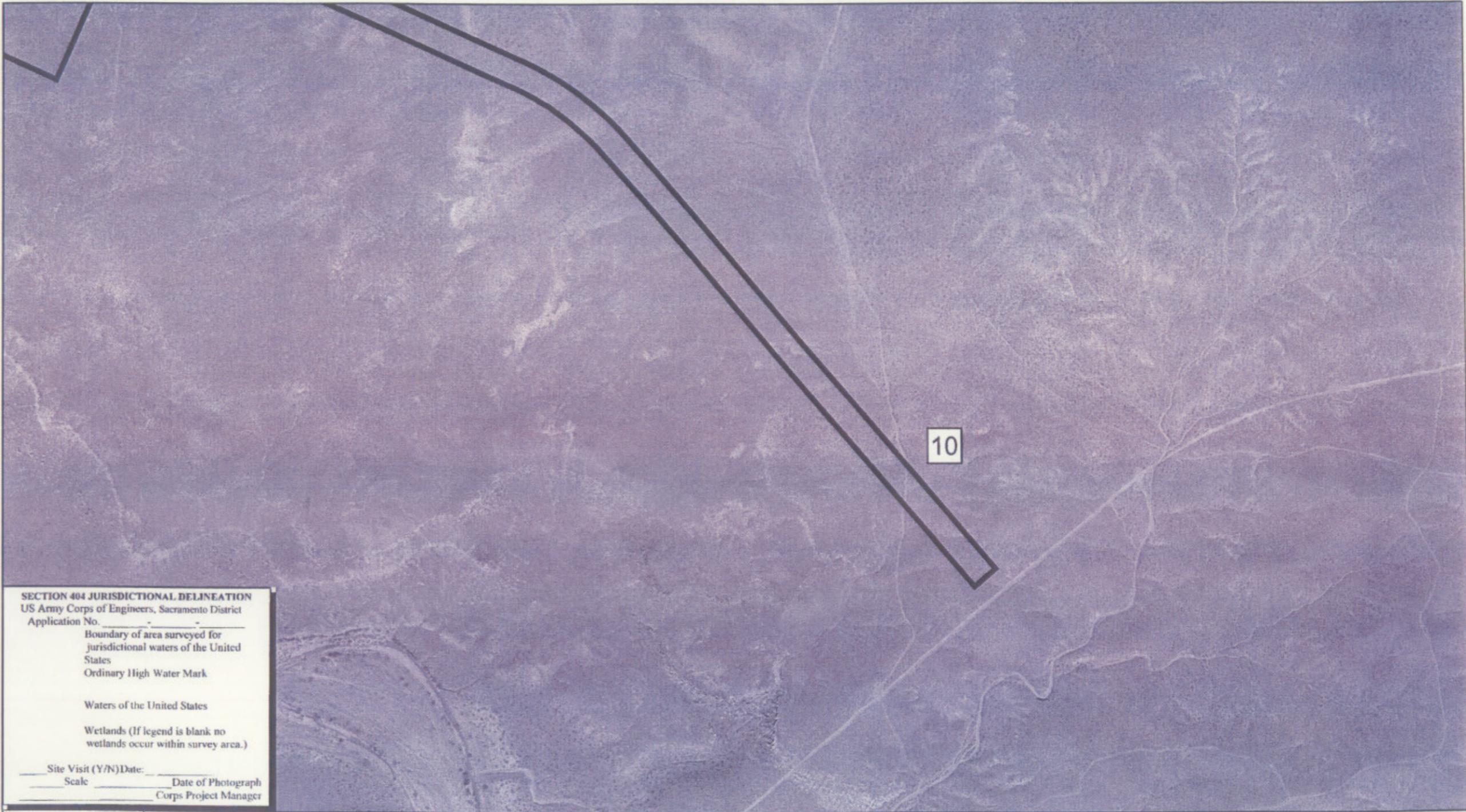


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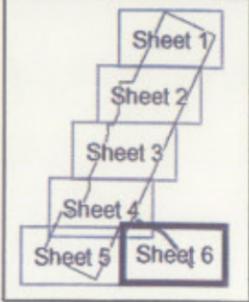
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**ATTACHMENT P-3  
JURISDICTIONAL DELINEATION APPROVAL  
LETTER FROM UNITED STATES ARMY CORPS  
OF ENGINEERS TO THE CITY OF ST. GEORGE,  
DATED FEB. 1, 2005**

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REPLY TO  
ATTENTION OF

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

February 1, 2005

Regulatory Branch (199850589)

Mr. David R. Ulane, A.A.E.  
City of St. George  
175 East 200 North  
St. George, Utah 84770

Dear Mr. Ulane:

I am responding to your letter dated December 6, 2004, with enclosure, concerning jurisdictional waters of the United States at the site of the proposed St. George replacement airport. The project is located in Sections 11, 12, 13, 14, 15, 22, 23, 26, and 27 Township 43 South, Range 15 West, SLB&M, Washington County, Utah.

All but one (Ft. Pearce Wash) of the drainages within the project boundaries are unnamed ephemeral washes. These are labelled wash numbers 1 through 10, with wash number 9 being Ft. Pearce Wash, on Figure 5 of your submittal. Adjacent or isolated wetlands were not found on the project area.

Based on available information, we concur that wash numbers 3 through 10 are waters of the United States on the basis of being tributaries of the Virgin River, an interstate water. These waters are regulated under Section 404 of the Clean Water Act. The discharge of dredged and fill material, including but not limited to grading, in these washes will require a permit under Section 404.

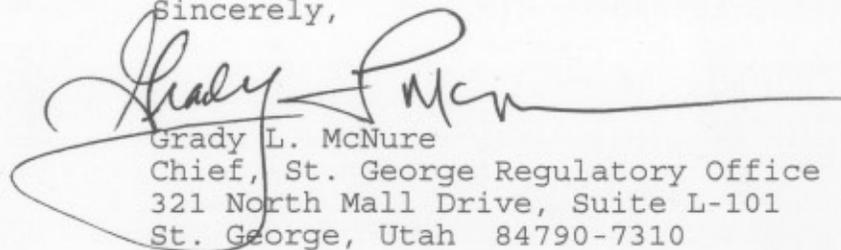
Wash numbers 1 and 2 are intrastate, isolated waters, without any apparent surface connection to other waters of the United States, without any navigability or navigational use, and without any apparent interstate or foreign commerce connection. Therefore, these two washes are not currently regulated by the Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. Other Federal, state, and local laws may apply to your activities.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. A Notification of Administrative Appeal Options and Process and Request for Appeal form is enclosed. If you wish to appeal this approved jurisdictional determination, please follow the procedures on the form. 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.

Please refer to number 199850589 in any correspondence concerning this project. If you have any questions, please contact me at our St. George Regulatory Office, 321 North Mall Drive, Suite L-101, St. George, Utah 84790-7310, email address, [Grady.McNure@usace.army.mil](mailto:Grady.McNure@usace.army.mil), or telephone number 435-986-3979. Our website is: [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Sincerely,



Grady L. McNure  
Chief, St. George Regulatory Office  
321 North Mall Drive, Suite L-101  
St. George, Utah 84790-7310

Enclosure

Copy Furnished:

Mr. Dennis Ossenkop, Environmental Protection Specialist, Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue, Southwest, Renton, Washington 98055-4056

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: City of St. George		File Number: 199850589	Date: 1 Feb 05
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the DISTRICT engineer. Your objections must be received by the DISTRICT engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the DISTRICT engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the DISTRICT engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION (not district) engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION engineer within 60 days of the date of this notice. Exception: JD appeals based on new information must be submitted to the DISTRICT engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

**DISTRICT ENGINEER**

Sacramento District, Corps of Engineers

Attn: Andrew J. Rosenau, Chief, Regulatory Branch

1325 J Street, Sacramento, CA 95814-2922

(Use this address for submittals to the DISTRICT ENGINEER)

If you only have questions regarding the appeal process you may also contact:

**DIVISION ENGINEER**

Army Engineer Division, South Pacific, CESPD-CM-O

Attn: Doug Pomeroy, Administrative Appeal Review Officer

333 Market Street, San Francisco, CA 94105 (415-977-8035)

(Use this address for submittals to the DIVISION ENGINEER)

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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