

U.S. Army Corp of Engineers 01/14/2021
Letter to the Arizona State Land Department

Subject: Approved Jurisdictional Determination

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT
3636 N CENTRAL AVENUE, SUITE 900
PHOENIX, ARIZONA 85012-1939

January 14, 2021

SUBJECT: Approved Jurisdictional Determination

Ms. Lisa Atkins
Arizona State Land Department
State Land Commissioner 1616 West Adams
Phoenix, Arizona 85007

Dear Ms. Atkins:

I am responding to your request (File No. SPL-2017-00594) dated September 11, 2017, for an approved Department of the Army jurisdictional determination (JD) for the Northeast Phoenix Metro Area project site (lat. 33.697017°N, long. -111.962327°W) located within the city of Phoenix, Maricopa County, Arizona.

The Corps' evaluation process for determining whether or not a Department of the Army permit is needed involves two tests. If both tests are met, a permit would likely be required. The first test determines whether or not the proposed project is located within the Corps' geographic jurisdiction (i.e., it is within a water of the United States). The second test determines whether or not the proposed project is a regulated activity under Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act. This evaluation pertains only to geographic jurisdiction.

Based on available information, I have determined waters of the United States do not occur on the project site. The basis for our determination can be found in the enclosed Approved Jurisdictional Determination (JD) forms.

This letter includes an approved jurisdictional determination for the Northeast Phoenix Metro Area AJD project site. If you wish to submit new information regarding this jurisdictional determination, please do so within 60 days. We will consider any new information so submitted and respond within 60 days by either revising the prior determination, if appropriate, or reissuing the prior determination. If you object to this or any revised or reissued jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you wish to appeal this decision, you must submit a completed RFA form within 60 days of the date on the NAP to the Corps South Pacific Division Office at the following address:

Tom Cavanaugh
Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Pacific Division, CESPDPDO
450 Golden Gate Ave.
San Francisco, CA 94102

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5 (see below), and that it has been received by the Division Office by **March 16, 2021**.

This determination has been conducted to identify the extent of the Corps' Clean Water Act jurisdiction on the particular project site identified in your request, and is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

Thank you for participating in the regulatory program. If you have any questions, please contact me at (602) 230-6956 or via e-mail at Kathleen.A.Tucker@usace.army.mil. Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,

Sallie Diebolt
Chief, Arizona Branch
Regulatory Division

CC: Mark Edelmann, ASLD
Manny Patel, ASLD

Enclosures

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

Applicant: Lisa Atkins, Arizona State Land Department		File Number: SPL-2017-00594	Date: JANUARY 14, 2021
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://www.usace.army.mil/cecw/pages/reg_materials.aspx 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 engineer. 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 engineer. This form must be received by the division 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 engineer. This form must be received by the division 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:

Kathleen Tucker
U.S. Army Corps of Engineers
Los Angeles District
3636 N CENTRAL AVENUE, SUITE 900
PHOENIX, ARIZONA 85012-1939

Phone: (602) 230-6956
Email: Kathleen.A.Tucker@usace.army.mil

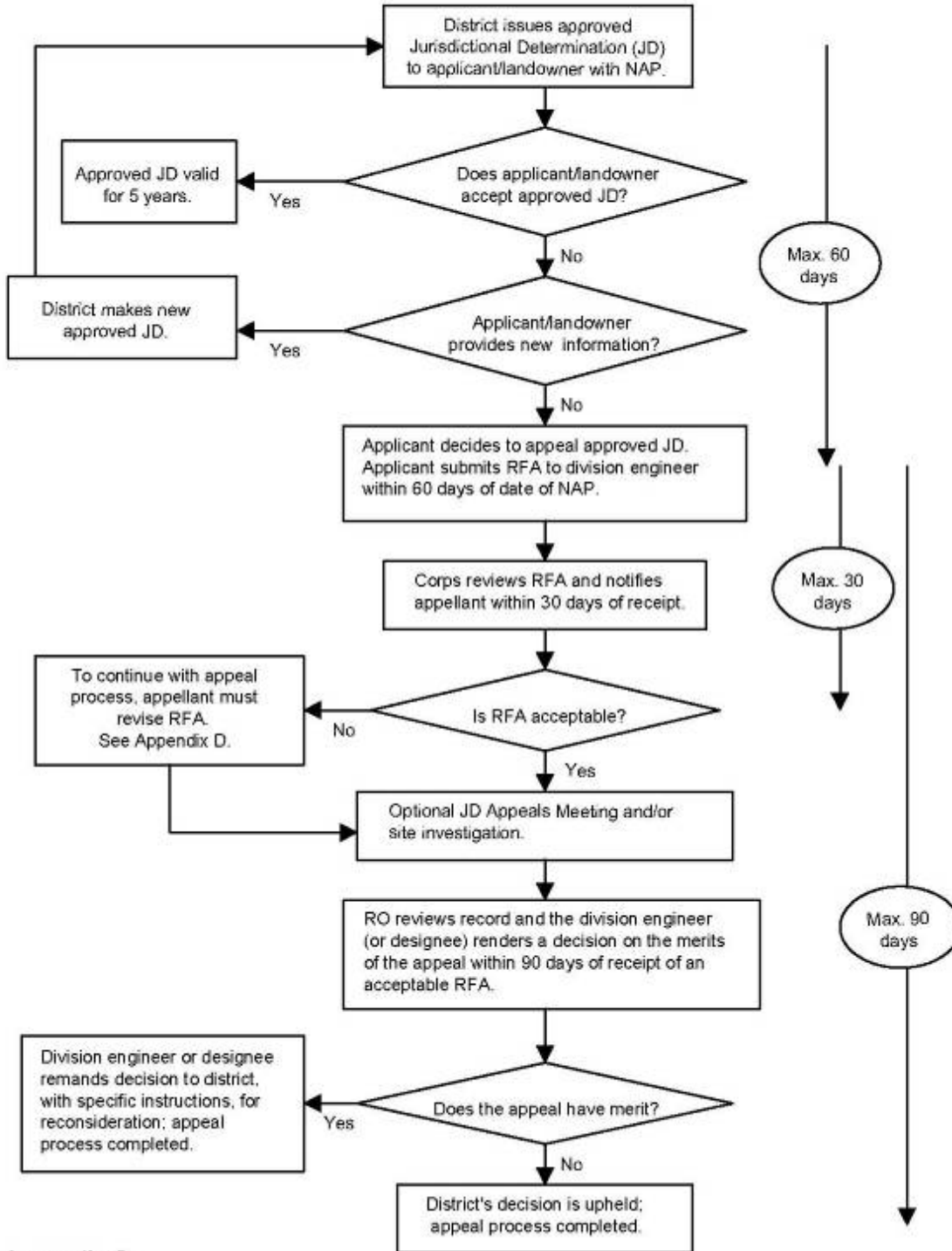
If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh
Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Pacific Division
450 Golden Gate Ave.
San Francisco, CA 94102
Phone: (415) 503-6574 Fax: (415) 503-6646
Email: thomas.j.cavanaugh@usace.army.mil

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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Administrative Appeal Process for Approved Jurisdictional Determinations



§ 331.5 Criteria.

(a) *Criteria for appeal* —(1) *Submission of RFA*. The appellant must submit a completed RFA (as defined at §331.2) to the appropriate division office in order to appeal an approved JD, a permit denial, or a declined permit. An individual permit that has been signed by the applicant, and subsequently unilaterally modified by the district engineer pursuant to 33 CFR 325.7, may be appealed under this process, provided that the applicant has not started work in waters of the United States authorized by the permit. The RFA must be received by the division engineer within 60 days of the date of the NAP.

(2) *Reasons for appeal*. The reason(s) for requesting an appeal of an approved JD, a permit denial, or a declined permit must be specifically stated in the RFA and must be more than a simple request for appeal because the affected party did not like the approved JD, permit decision, or the permit conditions. Examples of reasons for appeals include, but are not limited to, the following: A procedural error; an incorrect application of law, regulation or officially promulgated policy; omission of material fact; incorrect application of the current regulatory criteria and associated guidance for identifying and delineating wetlands; incorrect application of the Section 404(b)(1) Guidelines (see 40 CFR Part 230); or use of incorrect data. The reasons for appealing a permit denial or a declined permit may include jurisdiction issues, whether or not a previous approved JD was appealed.

(b) *Actions not appealable*. An action or decision is not subject to an administrative appeal under this part if it falls into one or more of the following categories:

(1) An individual permit decision (including a letter of permission or a standard permit with special conditions), where the permit has been accepted and signed by the permittee. By signing the permit, the applicant waives all rights to appeal the terms and conditions of the permit, unless the authorized work has not started in waters of the United States and that issued permit is subsequently modified by the district engineer pursuant to 33 CFR 325.7;

(2) Any site-specific matter that has been the subject of a final decision of the Federal courts;

(3) A final Corps decision that has resulted from additional analysis and evaluation, as directed by a final appeal decision;

(4) A permit denial without prejudice or a declined permit, where the controlling factor cannot be changed by the Corps decision maker (e.g., the requirements of a binding statute, regulation, state Section 401 water quality certification, state coastal zone management disapproval, etc. (See 33 CFR 320.4(j));

(5) A permit denial case where the applicant has subsequently modified the proposed project, because this would constitute an amended application that would require a new public interest review, rather than an appeal of the existing record and decision;

(6) Any request for the appeal of an approved JD, a denied permit, or a declined permit where the RFA has not been received by the division engineer within 60 days of the date of the NAP;

(7) A previously approved JD that has been superceded by another approved JD based on new information or data submitted by the applicant. The new approved JD is an appealable action;

(8) An approved JD associated with an individual permit where the permit has been accepted and signed by the permittee;

(9) A preliminary JD; or

(10) A JD associated with unauthorized activities except as provided in §331.11.



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

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 13-JAN-2021

ORM Number: SPL-2017-00594

Associated JDs: SPL1998-4003000 Desert Ridge, SPL1999-16129 Paradise Ridge
SPL2001-01123, SPL2003-00847, SPL1997-4018800, SPL2009-00698, SPL2001-00385, SPL2000-00811, SPL1995-4061000, SPL2020-00067, SPL2002-01446, SPL1999-4010900, SPL2002-01300, SPL2001-01004, SPL2006-00356, SPL1999-4014400, SPL1999-15547, SPL1996-4035100, SPL2006-00271, SPL2002-01547, APL2002-00873, SPL2007-00811, SPL2000-01560

Review Area Location¹:

State/Territory: AZ City: Phoenix County/Parish/Borough: Maricopa County

Center Coordinates of Review Area: Latitude 33.697017 Longitude -111.962327

II. FINDINGS

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

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

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

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

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

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

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

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

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

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



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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2017-594-Wash161	0.0331 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash231	0.5922 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash231b	0.7611 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash232	0.8006 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash232a	1.0374 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash232ab	0.0681 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash233	0.4416 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash233a	0.2029 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash233b	0.0979 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash234	1.7159 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash234c	0.0938 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash241	1.0162 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash241a	0.374 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash241b	0.1528 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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

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

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

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



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2017-594-Wash241c	0.1058 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash242	0.258 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash251	1.527 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash251a	0.0939 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash251b	0.0293 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash251c	0.1213 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash251d	0.1512 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash252	0.8934 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash261	1.5218 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash261a	2.591 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash261ac	0.2207 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash261aca	0.1712 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash261acb	0.1574 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash261b	0.104 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash261d	0.586 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash261e	1.0918 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash261f	0.1935 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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

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

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2017-594-Wash262	0.9803 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash271	1.6388 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash271bn	0.3388 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash271bs	1.7215 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash271d	0.4633 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash273	0.1503 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash273a	0.7388 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash273ab	0.1112 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash273ac	0.119 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash273ad	0.0485 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash273b	0.3312 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash273ba	0.0848 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash273c	0.038 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash273d	0.2695 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281aba	0.3521 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281abb	0.6077 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281abba	0.1086 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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

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2017-594-Wash281abc	0.1693 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281abd	0.1205 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281abe	0.1635 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281abn	1.4615 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281abs	0.699 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281ac	0.0467 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281an	1.8375 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281as	0.1255 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281f	0.1043 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281g	0.517 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281n	1.1435 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash281s	1.517 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash283	1.3329 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash284n	0.3462 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash284s	1.1178 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash291a	0.1756 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash291b	0.0333 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash291c	0.2555 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash291d	0.1812 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash291f	0.4483 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash291g	0.2429 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash291ga	0.091 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash291gaa	0.0217 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash291n	1.9018 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash291q	0.1065 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash291s	0.9038 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash292b	0.0474 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash292cn	1.1653 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash292cs	0.0766 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash292f	0.0505 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash292n	0.7384 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash292s	0.5769 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash293b	0.0709 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash293c	0.0199 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash293n	0.6186 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash293s	0.373 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294b	0.294 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294bb	0.9368 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294bbb	0.2029 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294bd	0.1898 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294be	0.1546 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294c	0.7181 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294d	0.3058 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294da	0.0938 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294db	0.0511 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294e	0.823 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294eb	0.0686 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294f	1.3824 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294fa	0.1458 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294n	3.1194 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash294s	0.4342 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash3011	0.115 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash302	3.2765 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash302c	0.4682 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash302d	0.5208 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash302e	0.0616 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash302f	0.045 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash302g	0.2172 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash302q	0.0634 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash306a	0.16 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash306aa	0.3048 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash306b	0.2524 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash306n	3.0073 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash306s	0.1801 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash309	0.0529 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash31	0.9574 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash3110n	0.3508 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash3110s	0.3193 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash3112	0.6221 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312a	0.0049 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312b	0.8542 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312ba	0.069 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312ca	0.0886 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312caa	0.0398 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312cb	0.2293 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312d	0.5652 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312f	0.0604 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312g	0.0352 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312h	0.7361 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312ha	0.1403 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312i	0.0715 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312j	0.2479 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312n	2.862 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash312s	0.1225 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash313b	0.3364 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash313ba	0.1083 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash313bb	0.0314 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash313d	0.1441 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash313e	0.2447 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash313ea	0.1179 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash313f	0.3123 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash313g	0.1907 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash313i	0.2892 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash313ia	0.3436 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash313j	0.1571 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash317da	0.5144 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash317daa	0.273 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash317n	3.1775 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash317q	0.4757 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash317s	0.2 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash319	0.1986 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash31a	0.3222 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash31c	0.1494 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash31d	0.3736 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash31w	0.1158 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash32a	0.1614 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash32b	0.146 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash32c	0.1434 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash33	0.0675 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash332	0.7668 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash332e	0.2118 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash334	0.8753 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash33a	0.0278 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash344n	0.2065 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash344s	0.6606 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash346a	0.0373 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash346n	0.7815 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash346S	0.9929 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash34b	0.0245 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash34e	0.3997 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash34m	0.8303 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash34w	0.0555 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash38	0.2134 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash39n	0.4066 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash39s	0.2153 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash405	0.6209 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash421	0.4929 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash453n	0.1067 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash453s	0.0881 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash454c	0.629 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash454d	0.0154 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash454n	4.1048 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash454s	0.2782 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash461	0.0837 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash462	0.8954 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash462f	0.0797 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash463	0.3358 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash463c	0.0199 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash463g	0.0167 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash463ga	0.0318 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash465	0.0958 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash474a	0.0658 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash474c	0.0615 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash474n	0.1956 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash474s	0.1112 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash477	0.1877 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash531a	0.0472 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash531n	0.4975 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash531s	2.0179 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash5410an	0.0586 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash5410as	0.0245 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash5410n	0.2222 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash5410s	0.3913 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash543n1	0.1042 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash543n2	0.0626 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash543s1	0.4444 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash543s2	0.2752 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash548d	0.2677 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash548m	0.1301 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash548n	2.6429 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash548s	0.0568 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash549n	0.3255 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash549s	0.1473 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash552	1.3556 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash552f	0.7853 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash552fb	0.2696 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash552gb	0.2892 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash552gba	0.9577 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash552gd	0.2129 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash552sn	0.3016 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash552ss	0.1181 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash553n	0.0187 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash553s	0.0504 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash555ga	0.1924 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash555gn	0.4244 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash555gs	0.8459 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash555j	0.1688 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash555n	0.7268 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash555s	1.1278 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash556	0.0803 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash571n	0.1274 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash573	0.7647 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash573a	0.3115 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash573b	0.1773 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash573ba	0.0534 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash601i	0.0823 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash601m	0.2278 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash601n	0.1639 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash601s	0.9519 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash604m	0.401 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash604n	0.2396 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash604s	1.3315 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611 tank	2.6641 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	See Section III B and III C for rationale.
2017-594-Wash611c	0.7387 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611d	0.0425 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611f	3.2665 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611fa	1.6496 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611faa	0.2837 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611fab	0.1342 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611fb	1.305 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611fba	0.1824 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611fc	0.9997 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611fca	0.1563 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

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2017-594-Wash611fcaa	0.1139 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611fd	0.4887 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611fe	0.4963 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611fg	0.0865 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611fi	0.0203 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611fn	0.7066 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash611to	0.7144 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash81	0.378 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.
2017-594-Wash82	0.1492 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See Section III B and III C for rationale.

III. SUPPORTING INFORMATION

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

- Information submitted by, or on behalf of, the applicant/consultant: *Approved Jurisdictional Delineation for Northeast Phoenix Metro Area, August 25, 2017.*
 This information is not sufficient for purposes of this AJD.
 Rationale: *partial insufficiency – APT tool data, rainfall and local gage data in the vicinity.*
 Data sheets prepared by the Corps:
- Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s).*
- Corps Site visit(s) conducted on: *Date(s).*
- Previous Jurisdictional Determinations (AJDs or PJDs): *See Associated JDs in I*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Natural Resources Conservation Service. 1986. Soil Survey of Aguila-Carefree Area, Arizona, Parts of Maricopa and Pinal Counties. AZ645. U.S. Department of Agriculture.*

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- USFWS NWI maps: U.S. Fish and Wildlife Service. 2017. National Wetlands Inventory Wetlands Mapper. Accessed July 19, 2017
- USGS topographic maps: Curry's Corner and Union Hills, Arizona, U.S. Geological Survey 7.5' Topographic Series

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	http://alert.fcd.maricopa.gov/alert/Google/v3/gmap.html ADEQ Flow Regime Data
Groundwater/Well Resources	https://gisweb3.azwater.gov/WellReg https://gisweb3.azwater.gov/gwsi https://maps.mcassessor.maricopa.gov/

B. Typical year assessment(s): The typical year assessment was run for the timeframe of May 2 to June 27, 2017 when the consultant performed the site visit and took ground photographs. This point (Wash 604) is in the lower southeast corner of the project area just west of the Rawhide Wash watershed. This assessment was completed by using the Antecedent Precipitation Tool (APT). The APT tool used a portion of the data from the Scottsdale 11.6 NNW weather station which is approximately 2.7 miles away and the other data was from the Fountain Hills weather station which is approximately 13 miles away and east of a mountain range. Elevations are very similar but with the variability of weather from one location to the next 13 miles can make a difference in weather patterns. All these dates returned normal conditions even with the PDSI and WebWIMP indicating dry conditions and dry season. There are also Flood Control District of Maricopa County (FCDMC) Precipitation stations at Jomax and 70th Street (60800) and in Rawhide Wash which are adjacent or proximity to the project area. The APT precipitation documented represented the similar precipitation recorded from the FCDMC stations on May 9th, 2017. That precipitation was in the 30-year normal range. Most dates in March were within normal range which can have rainfall or be dry. There was no other rainfall during this period. All drainage features during this time frame were dry based on the site photographs.

A second set of dates were run on the APT tool to confirm the flow regime in these drainage features. The dates were from September to November 2014 which were associated with the Maricopa County Assessors aeriels that the consultant used in their research. Wash 604 aerial date was October 12, 2014. The output from the APT used the Fountain Hills weather station for most of the data. There was a small difference in the precipitation data when comparing this data to the FCDMC. The APT stated it was wetter than normal which was based on the 30-day rolling total on September 10, 2014 at 5.54

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inches of rainfall and continues to be wetter into the end of October when the rolling 30-days is 1.4 inches of rainfall which is still above the 30-year normal range. Looking at the FCDMC precipitation the 30-day rolling at the Jomax and 70th Street (60800) was 1.0 inch from October 12, 2014 and 5.1 inches from September 10, 2014. So even with the Fountain Hills Weather station 13.5 miles away and on the other side of the McDowell Mountain Range rainfall was not over an inch different. All drainage features during this time frame were dry based on aerial photographs.

The Jomax Rd at 70th (60800) has 26 years of rainfall data and is on the northeastern edge of the survey area. The other gage in the vicinity, Rawhide Wash (61000), is approximately a mile upstream of the 60800 station and has 20 years of complete data. Data from this weather station is like that of the 60800 station.

- C. Additional comments to support AJD:** The survey area encompasses approximately 11,000 acres of mostly undeveloped Arizona State Lands Department (ASLD) lands upstream of the Central Arizona Project (CAP) Canal Reach 11–Granite Reef Aqueduct and its associated United States Bureau of Reclamation (USBR) Flood Control Dikes 1 and 2 in northeast Phoenix and unincorporated Maricopa County. The survey area is roughly bounded by Dynamite Road to the north, Scottsdale Road to the east, the CAP Canal to the south, and Cave Creek Road to the west. The survey area limits fall within Sections 1, 2, 11, 12, and 23–25 of Township (T) 4 North (N), Range (R) 3 East (E); Sections 3–10, 15–22, 27–30, 33, and 34 of T4N, R4E; and Section 32 of T5N, R4E. The latitude and longitude coordinates of the approximate survey area midpoint are 33.697017° N, 111.962327° W, North American Datum (NAD) 83. The survey area consists of mostly undeveloped ASLD lands. Lands adjacent and near the survey area are a mixture of developed and undeveloped lands. Developed areas include varying densities of residential areas as well as pockets of commercial and light industrial developments. Other adjacent land uses include golf courses, recreational parks, cemeteries, and transportation corridors. North of Pinnacle Peak Rd is mostly undeveloped while south of Pinnacle Peak is covered by two Section 404 permits Desert Ridge, SPL-1998-4003000 and Paradise Ridge, SPL-1999-16129 which already have some parcels developed. As a part of both developments, mitigation corridors were established to offsite the permanent impacts of waters of the US due to the discharge of fill.

Climate

There are basically three seasonal atmospheric events that cause rainfall over the project area and other local watersheds substantially located within Maricopa County as follows:

- **Winter Rains:** This period typically spans the winter months from late November through March and is characterized by occasional, low intensity and possibly long duration storms from the Pacific Ocean that cover large areas of the state. While this is classified as a rainfall season, there can be periods of a month or more in this or any other season when practically no precipitation occurs. Precipitation over

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the project area is usually in the form of rainfall, but on very rare occasions and especially at the higher elevations, can be snow.

- **Summer Monsoons:** The annual monsoon period occurs predominantly during July and August when Arizona is subjected to widespread thunderstorm activity spawned by monsoon winds that bring humid subtropical air into the state from the Gulf of Mexico, the Pacific Ocean off the west coast of Mexico, and the Gulf of California. Solar heating triggers the afternoon and evening thunderstorms that can produce extremely intense, short duration bursts of rainfall and severe winds.
- **Tropical Storm Remnants:** Some of the heaviest and most volumetric rainfall events occur when remnants of a hurricane enter the state. Typically, the storms are downgraded to a tropical storm or tropical depression prior to reaching the state boundary, especially for storms that range as far north as the Phoenix Valley. These events occur infrequently and mostly in the early autumn, and usually bring heavy and intense precipitation over large regions causing severe flooding.

Average annual rainfall is approximately 12.7 inches in the upper portions of the Dike 1 and 2 watersheds. This amount of rainfall is due to the elevation of 2,500 feet and the orographic influence of the McDowell Mountains and mountains north of Carefree and Cave Creek. For the Jomax Rd at 70th St (60800) station for 26 years the average annual precipitation was 9.36 inches. Within this time frame there were 56 storms with greater than an inch in 24 hours, 8 storms with greater than 2 inches in 24 hours and only 1 storm with greater than 3 inches in 24 hours.

Soils

The survey area is within the Basin and Range physiographic province in south-central Arizona. The limits of the contributing watershed extend northeasterly from Dikes 1 and 2 to the regional shared ridgeline that also defines the western limit of the Lower Verde River watershed to the east. The regional ridgeline extends north of the McDowell Mountains into the Desert Mountain area. The piedmont is drained by numerous, distributary ephemeral drainages typical of an alluvial fan surface, with the largest being Rawhide Wash. Elevations across the piedmont range from 3,200 feet at the Verde River divide to 1,520 feet at the base of the Reach 11 dikes. Slopes across the piedmont generally range from over 4.0 percent in the upper watershed to a little over 1.0 percent in the reaches immediately upstream of Dikes 1 and 2. Soils in the survey area are predominantly deep, well-drained, coarse- to fine-textured loams that transition from very gravelly loams in the upper reaches to sandy and then clay loams in downslope locations. Drainage features in the survey area are generally characterized as low-gradient features with sandy to gravelly beds and an active channel that ranges in width from less than 2 feet to more than 30 feet and with side slopes that range from vertical to nearly flat.

Vegetation

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Plant communities in the survey area include Creosote Bush–Bursage Series (Lower Colorado River Subdivision) and Paloverde–Mixed Cacti Series (Arizona Upland Subdivision) Sonoran Desertscrub (Brown 1994). Creosote Bush–Bursage Series vegetation occurs in the south and west portions of the survey area and is characterized by a relatively low diversity of plant species dominated by creosote bush (*Larrea tridentata*) and triangle-leaf bursage (*Ambrosia deltoidea*). Ephemeral drainages in this area are lined by trees such as blue paloverde (*Parkinsonia florida*), desert ironwood (*Olneya tesota*), velvet mesquite (*Prosopis velutina*), and shrubs such as Anderson thornbush (*Lycium andersonii*) and desert hackberry (*Celtis ehrenbergiana*). Paloverde–Mixed Cacti Series vegetation occurs in the north and east portions of the survey area and is a relatively diverse plant community dominated by combinations such as foothill paloverde (*Parkinsonia microphylla*) and saguaro (*Carnegiea gigantea*), blue paloverde, buckhorn cholla (*Cylindropuntia acanthocarpa*), and turpentine bush (*Ericameria laricifolia*), and a diverse assemblage of other cacti.

Natural Drainages - Larger drainage features support narrow but relatively dense stringers of xeroriparian vegetation that includes paloverde, mesquite, ironwood, catclaw acacia (*Senegalia greggii*), desert hackberry, thornbush, and ragweed (*Ambrosia ambrosioides*). The smaller drainage features support sporadic narrow and less dense stringers of xeroriparian vegetation that includes paloverde, mesquite, ironwood, catclaw acacia (*Senegalia greggii*), desert hackberry, thornbush, and ragweed (*Ambrosia ambrosioides*). Based on the National Wetlands Inventory database there are several larger features that are classified as riverine with intermittent flows.

Stock Tank - Impoundment of several ephemeral drainages, representing a large stock tank. This area supports hydrophytic vegetation dominated by mule-fat (*Baccharis salicifolia*) with some curly dock (*Rumex crispus*) both facultative species. No facultative wet or obligates were identified. Soils are silty and lack hydric characteristics. Hydrology shows only surface cracks due to the temporary ponding. Based on the National Wetlands Inventory database, there is this stock tank and two other stock tanks (associated with feature 302 and 421) that are classified as freshwater ponds. Based on Google Earth images these are seasonal stock tanks only have water during the wetter times of the year.

Hydrology

Natural drainage patterns in the survey area have been significantly altered over the past 50 years by adjacent development and regional flood control facilities. In developed areas adjacent to or near the survey area, local alterations include obliteration of the natural drainage corridors and replacement with streets, channels, and storm drains that collect runoff developed onsite and discharge it to retention and detention facilities. In some adjacent developed areas, larger ephemeral drainages have been preserved to convey offsite flows. Major regional facilities that have significantly altered or modified surface water hydrology in and near the survey area include State Route 101, the CAP Canal, Flood Control Dikes 1 and 2, and the City of Phoenix Reach 11 Sports Complex. According to Arizona

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Department of Water Resources (ADWR) groundwater elevations range from 400 to 800 feet below the surface.

Aquatic Resources

Most of the flows from these drainage features are contained at Dikes 1 and 2 of the CAP canal as evidenced by more dense xeroriparian vegetation. No hydrophytic or riparian vegetation within any of the washes or the stock ponds. Flows are again retained at these Dikes. Annual precipitation is on average us approximately 9 inches. Groundwater depth is hundreds of feet down which would not create a base flow for these features to be intermittent. In two different APT analyses, where normal conditions were present the site photos and aerials photographs from Maricopa County showed no indication of recent flow in these features. Based on the ephemeral flow regime of these features, and distance and barriers connecting to the downstream TNW, are excluded from the Navigable Waters Protection Rule.

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