

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

June 5, 2020

SUBJECT: Approved Jurisdictional Determination

Victoria Peacey Resolution Copper Company 102 Magma Heights Superior, Arizona 85273

Dear Ms. Peacey:

I am responding to your request (File No. SPL-2016-00547) dated May 18, 2020, for an approved Department of the Army jurisdictional determination (JD) for the Resolution Copper Mine pipeline/power corridor (lat. 33.327°, long. -111.069°) located near the town of Superior, Pinal County, Arizona.

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 Resolution Copper Mine 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, CESPD-PDO 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 August 4, 2020.

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) 230-6953 or via e-mail at Michael.W.Langley@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

Enclosures

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL				
Applicant: Resolution Copper Company File Number: SPL-2016-00547-MWL Date: JUNE 5, 2020				
Attached is: See Section				
INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A		
PROFFERED PERMIT (Standard Permit or Letter of permission)		В		
PERMIT DENIAL	С			
X APPROVED JURISDICTIONAL DETERMINATION		D		
PRELIMINARY JURISDICTIONAL DETERMINATION		Е		

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:

Michael Langley U.S. Army Corps of Engineers Los Angeles District 3636 N. Central Ave, Suite 900 Phoenix, AZ 85012-1939

Phone: (602) 230-6953

Email: Michael.W.Langley@usace.army.mil

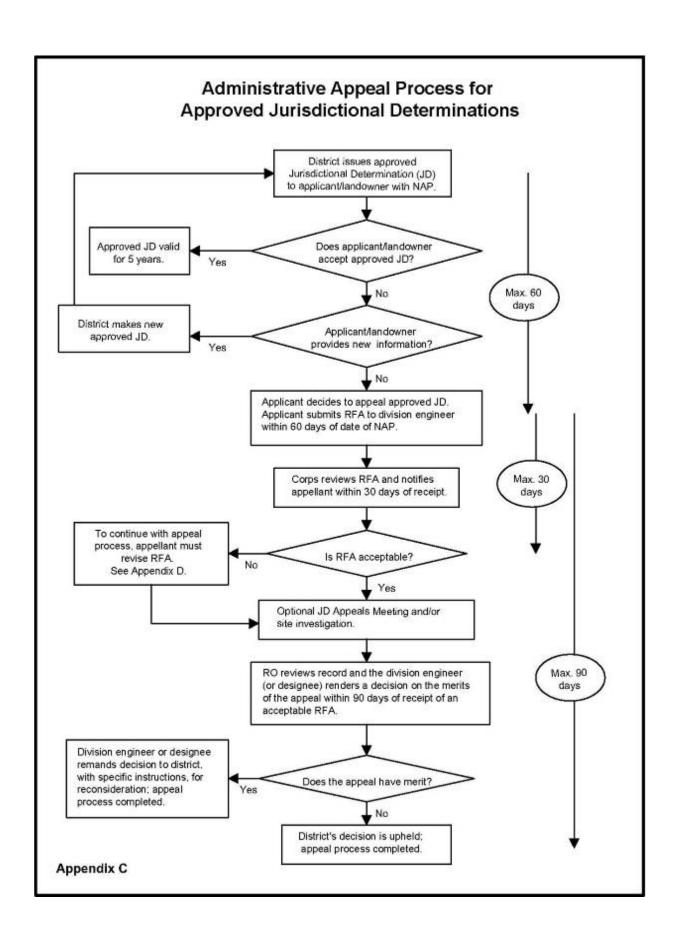
If you only have questions regarding the appeal process you may also contact: Thomas J. Cavanaugh

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.

m vestigations.		
	Date:	Telephone number:
Signature of appellant or agent.		



§ 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.

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
1B	

Thi

	JI ALLINOVED JOHISDI	CTIONAL DETERMINAT	ION (JD):	May 15, 2020
B. DISTRICT OFFICE, FILE NAME, A	AND NUMBER: Los A	Angeles District, File No	. SPL-2016-00)547
C. PROJECT LOCATION AND BACK	GROUND INFORMATION	ON: Drainage Feature	1B	
		County		City: Superior
Center coordinates of site: Lat.	33.30979°N	Long111.039659°W		
Name of nearest waterbody:	Queen Creek			
Name of nearest Traditional Navi Gila River between Powers		which the aquatic resourc	e flows:	
Name of watershed or Hydrologic	: Unit Code (HUC):	15050100		
✓ Check if map/diagram of revie	w are and/or potential ju	risdictional areas is/are a	vailable upon i	request
Check if other sites (e.g, offsite different JD form.	e mitigation sites, disposa	l sites, etc) are associat	ed with this ac	tion and are recorded on a
D. REVIEW PERFORMED FOR SITE	EVALUATION (CHECK	ALL THAT APPLY):		
Office (Desk) Determination.Field Determination. Date(s				
SECTION II: SUMMARY OF FINDIN A. RHA SECTION 10 DETERMINA		N.		
There Are No "navigable waters	of the U.S." within Rivers	and Harbors Act (RHA) i	urisdiction (as	defined by 22 CED next 220 in
the review area. Waters subject to the ebb and Waters are presently used, or h		, ,	·	, ,
☐ Waters subject to the ebb and ☐ Waters are presently used, or h	ave been used in the pas	it, or may be susceptible t	·	, ,
☐ Waters subject to the ebb and☐ Waters are presently used, or hB. CWA SECTION 404 DETERMINE	ave been used in the passistic participation of Jurisdiction of Jurisdiction (1971).	it, or may be susceptible t	or use to trans	, ,
 □ Waters subject to the ebb and □ Waters are presently used, or h B. CWA SECTION 404 DETERMIN There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water □ TNWs (new) □ Wetlands adjacent to TN 	Tave been used in the passion of JURISDICTION OF JURISDICTION OF JURISDICTION OF JURISDICTION OF JURISDICTION OF THE PROPERTY OF U.S. in review area (CO)	ot, or may be susceptible to the susceptible of the	or use to trans	sport interstate or foreign con
Waters subject to the ebb and Waters are presently used, or h B. CWA SECTION 404 DETERMIN There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent water Non-RPWs that flow directly abutting Wetlands adjacent to but wetlands adjacent to but wetlands adjacent to not Impoundments of jurisdirectly.	TATION OF JURISDICTION OF JURI	ct, or may be susceptible for the composition of th	or use to trans efined by 33 Cl Ws	sport interstate or foreign con
Waters subject to the ebb and Waters are presently used, or h B. CWA SECTION 404 DETERMIN There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent water Non-RPWs that flow directly abutting Wetlands adjacent to but wetlands adjacent to but my wetlands adjacent to not my limpoundments of jurisdirectly.	TATION OF JURISDICTION OF JURI	ct, or may be susceptible for the composition of th	or use to trans efined by 33 Cl Ws	sport interstate or foreign con
Waters subject to the ebb and Waters are presently used, or h B. CWA SECTION 404 DETERMIN There Are No "waters of the U.S. area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent water Non-RPWs that flow dires Wetlands directly abutti Wetlands adjacent to butter Wetlands adjacent to not Impoundments of jurisdit	TATION OF JURISDICTION OF JURI	ct, or may be susceptible for the composition of th	or use to trans efined by 33 Cl Ws	sport interstate or foreign con

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
1B	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	upporting determination:	
2	Wotland adjacent to	TNIA/	

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows d		
✓ Tributary flows tl	hrough 5	tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:	
1B	

Project waters	s are 30 (or more)	river Miles from tributary to RPW:
Project waters	s are 30 (or more)	aerial (straight) miles from tributary to TNW:
Project waters	are 30 (or more)	aerial (straight) miles from tributary to RPW:
Project waters	cross or sei	rve as state	boundaries. Explain:
Identify flow r	oute to TNV	V Generally	y to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tributar	ry Character	istics	
Tributary is: Na			Explain:
Tributary prope Average W Average De	idth (ft):	espect to top 10.97 1	o of bank (estimate):
Average Sig	-	2:1	
			on (check all that apply):
<u> </u>	_	_	
☐ Silts ☐ Cobbles	✓ Sands s ✓ Grave		oncrete
☐ Bedrocl	. =	rate - Vegeta	ation Other, Explain:
	_ 30030		
•	•	,	ghly eroding, sloughing banks. Explain: Stable
Presence of R		-	·
Tributary Geo	•	Relatively	
			1 1
	aient (appro	oximate ave	rage slope): 2%
Flow: Tributary Provides for: Istimate average number of	Ephemeral F	Flow its in review	
Flow: ributary Provides for: stimate average number of Describe Flow Regio	Ephemeral Fof flow even	Flow its in review emeral.	
Flow: Tributary Provides for: Istimate average number of	Ephemeral Fof flow even	Flow its in review emeral.	
Flow: Tributary Provides for: Istimate average number of Describe Flow Region Other Information on Dur	Ephemeral Fof flow even	Flow its in review emeral.	
Flow: Tributary Provides for: Stimate average number of Describe Flow Region Other Information on Duriturface Flow is:	Ephemeral I of flow even me: Ephe ation and Vo	Flow its in review emeral.	area/year:
Flow: Tributary Provides for: Stimate average number of Describe Flow Region Other Information on Duriturface Flow is:	Ephemeral I of flow even me: Ephe ation and Vo Confined No	Flow its in review emeral.	area/year: Characteristics:
Flow: Tributary Provides for: Stimate average number of Describe Flow Region Other Information on Duranteer Flow is: Subsurface Flow:	Ephemeral I of flow even me: Ephe ation and Vo Confined No	Flow its in review emeral.	area/year: Characteristics:
Flow: Tributary Provides for: Stimate average number of Describe Flow Region Other Information on Duranteer Flow is: Subsurface Flow:	Ephemeral For flow even me: Ephe ation and Volume Confined No performed:	Flow its in review emeral.	area/year: Characteristics:
Flow: Tributary Provides for: Istimate average number of Describe Flow Regineration on Duration on Duration of Describe Flow is: The provided Flow: Dye (or other) test provided Flow:	Ephemeral For flow even me: Ephe ation and Volume Confined No performed:	Flow its in review emeral.	area/year: Characteristics:
Flow: Tributary Provides for: Stimate average number of Describe Flow Regine Other Information on During Surface Flow is: Subsurface Flow: Dye (or other) test of Tributary Has (Check all the Information on During Surface Flow).	Ephemeral For flow even me: Ephe ation and Volume Confined No performed:	Flow its in review emeral. plume:	area/year: Characteristics: Explain:
Flow: Tributary Provides for: Stimate average number of Describe Flow Regine Other Information on Duration of Duration of Duration of Duration of Dividing the Dye (or other) test of Dye (or other) test of Dye and Banks	Ephemeral For flow even me: Ephe ation and Volume Confined No performed: apply):	Flow lits in review emeral. olume:	area/year: Characteristics: Explain:
Flow: Tributary Provides for: Stimate average number of Describe Flow Regin Other Information on Duri Furface Flow is: Fubsurface Flow: Dye (or other) test Tributary Has (Check all the Bed and Banks OHWM (check all the Clear, natural line Changes in soil cha	Ephemeral For flow even me: Ephe ation and Volume Confined No performed: apply): apply): OHV impressed o	Flow lits in review emeral. olume:	characteristics: Explain: Presence of litter and debris ✓ Destruction of terrestrial vegetation
Flow: Tributary Provides for: Stimate average number of Describe Flow Regin Other Information on During Surface Flow is: Subsurface Flow: Dye (or other) test of Dye (or other) tes	Ephemeral For flow even me: Ephe ation and Volume Confined No performed: apply): apply): OHV impressed of aracter	Flow Its in review Its in review	characteristics: Explain: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line
Flow: Iributary Provides for: Istimate average number of Describe Flow Region Other Information on Duraturface Flow is: Industriace Flow: Industriace Plow: Industrial Plow Plow Plow Plow Plow Plow Plow Plo	Ephemeral For flow even me: Ephe ation and Volume Confined No performed: apply): apply): OHV impressed or aracter didown, benty for flower flo	Flow its in review emeral. blume: WM Indicate in the bank t or absent	rarea/year: Characteristics: Explain: Presence of litter and debris ✓ Destruction of terrestrial vegetation ☐ Presence of wrack line ✓ Sediment sorting
Flow: Tributary Provides for: Stimate average number of Describe Flow Regin Other Information on During Surface Flow is: Subsurface Flow: Dye (or other) test of Dye (or other) tes	Ephemeral For flow even me: Ephemeral For Ep	Flow its in review emeral. blume: WM Indicate in the bank t or absent	characteristics: Explain: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line
Flow: Tributary Provides for: Istimate average number of Describe Flow Region Other Information on Durant Durant Durant Durant Describe Flow is: Indicate Flow is: Indicate Flow: Indica	Ephemeral For flow even me: Ephemeral For Ep	Flow its in review emeral. blume: WM Indicate in the bank t or absent	rarea/year: Characteristics: Explain: Presence of litter and debris ✓ Destruction of terrestrial vegetation □ Presence of wrack line ✓ Sediment sorting □ Scour
Flow: Tributary Provides for: Istimate average number of Describe Flow Reginor Other Information on Durant Plants Tributary Has: Tributary Has (Check all the Describe Flow) Tributary Has (Check all the Describe Flow) Clear, natural line Describe Flow Has Instituted Plants Yegetation matted Plants Yegetation Matter Plants Yegetation Matter Plants Yegetation Flow: Sediment deposition	Ephemeral For flow even me: Ephemeral For Ep	Flow its in review emeral. blume: WM Indicate in the bank t or absent	characteristics: Explain: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line Sediment sorting Scour Multiple observed or predicted flow events

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **1B** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas **Explain findings:** Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:	
1B	

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watersr characteristics: ect.).
Explain
Identify specific pollutants, if know:
(iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
☐ Federally Listed Species Explain:
☐ Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
3. Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **1B** D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area: 6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

Demonstration of Jurisdiction:

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this

Provide estimates for jurisdictional wetland in the review area (in acres):

conclusion is provided at Section III.C..

7. Impoundments of jurisdictional waters.

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

U.S. Army Corps of Engineers **1B** Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): ☐ Non wetland-Waters (i.e., rivers, streams): linear feet : width (ft): Other Non-wetland Waters MBR acres: ☐ Wetlands MBR Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 880.48 linear feet (ft), 10.97 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. ✓ Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant ☐ Office Concurs with data sheets/delineation report ☐ Office Does Not Concur with data sheets/delineation report ☐ Data Sheets Prepared by the Corps Corps Navigable Water Study ☐ US Geological Survey Hydrologic Atlas ☐ USGS NHD Data ☐ USGS 8 and 12 digit HUC Maps ✓ US Geological Survey Map(s) Scale and Quad Name:

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **1B** ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

APPROVED JURISDICTIONAL DETERMINATION FORM

Resolution Mine Pipeline Corridor

U.S. Army Corps of Engineers

Feature ID:			
1 C			

	OR APPROVED JU	RISDICTIONA	AL DETERMINATION	ON (JD):	May 15	, 2020	
B. DISTRICT OFFICE, FILE NAME, A	AND NUMBER:	Los Angeles	District, File No. S	SPL-2016-	00547		
C. PROJECT LOCATION AND BACK	GROUND INFOR	MATION: D	rainage Feature	1C			
	rish/borough:	Pinal County	amage reacure		City:	Superior	
Center coordinates of site: Lat.	33.30979°N	Long.	-111.039659°W				
Name of nearest waterbody:	Queen Creek	LONG.	111.033033 W				
Name of nearest Traditional Navi) into which th	e aquatic resource	flows			
Gila River between Powers	-	•	e aquatic resource	nows.			
Name of watershed or Hydrologic	: Unit Code (HUC):	15050)100				
✓ Check if map/diagram of revie	w are and/or pote	ntial jurisdictio	nal areas is/are ava	ilable upoi	n request		
Check if other sites (e.g, offsite different JD form.	• •	-	•	•	•	l are recorded on a	
D. REVIEW PERFORMED FOR SITE	EVALUATION (C	HECK ALL TH	AT APPLY):				
Office (Desk) Determination.Field Determination. Date(s)		20					
SECTION II: SUMMARY OF FINDIN							
A. RHA SECTION 10 DETERMINA	TION OF JURISD	ICTION.					
	of the U.S." within	Rivers and Hai	bors Act (RHA) jur	isdiction (a	s defined	by 33 CFR part 329	in
the review area. Waters subject to the ebb and	flow of the tide.						
☐ Waters are presently used, or h		he past, or ma	y be susceptible fo	r use to tra	nsport int	erstate or foreign c	ommerce
B. CWA SECTION 404 DETERMIN	IATION OF JURIS	DICTION					
		-+ A -+ (C\A\A\	iurisdiction (as def	ined by 33	CFR part 3	328) in the review	
There Are No "waters of the U.S	S." within Clean Wa	ater Act (CWA)	,				
There Are No "waters of the U.S area.	S." within Clean Wa	iter Act (CWA)	,, (
There Are No "waters of the U.S area. 1. Waters of the U.S.		, ,					
There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new)	of U.S. in review	, ,					
There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water	of U.S. in review	area (Check all	the apply):	/s			
There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent was Non-RPWs that flow dires	of U.S. in review Ws iters (RPWs) that f	area (Check all low directly or ito TNWs	the apply): indirectly into TNW	/s			
There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent water Non-RPWs that flow directly wetlands directly abutti	of U.S. in review of U.S. in r	area (Check all low directly or nto TNWs v directly or ind	the apply): indirectly into TNW directly into TNWs		o TNIM/c		
There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent water Non-RPWs that flow directly abuttity Wetlands adjacent to but	of U.S. in review of the theorem of U.S. in review of U.S. in revi	area (Check all low directly or nto TNWs v directly or ind ting RPWs that	the apply): indirectly into TNW directly into TNWs flow directly or inc) TNWs		
There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent water Non-RPWs that flow directly abutting wetlands adjacent to but wetlands adjacent to no Impoundments of jurisdirects.	of U.S. in review of U.S. in review of U.S. in review of the section of the secti	area (Check all low directly or nto TNWs or directly or ind ting RPWs that directly or indir	the apply): indirectly into TNW directly into TNWs flow directly or increctly into TNWs) TNWs		
There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent water Non-RPWs that flow directly abutting wetlands adjacent to butto wetlands adjacent to not impoundments of jurisdit Isolated (interstate or interest.)	Tof U.S. in review of U.S. in review of U.S. in review of the sters (RPWs) that for the sters (RPWs that flow of the sters) that flow of the sters (RPWs that flow of the sters) waters, in the sters (RPWs that flow of the sters) waters, in the sters (RPWs that flow of the sters) waters, in the sters (RPWs that flow of the sters) waters, in the sters (RPWs that flow of the sters) waters, in the sters (RPWs that flow of the sters)	area (Check all low directly or nto TNWs or directly or ind ting RPWs that directly or indirectly or indirectly	the apply): indirectly into TNW directly into TNWs flow directly or increctly into TNWs dectly into TNWs d wetlands) TNWs		
There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent water Non-RPWs that flow directly abuttity Wetlands adjacent to butto Wetlands adjacent to butto Wetlands adjacent to noto Impoundments of jurisdity Isolated (interstate or into b. Identify (estimate) size of the U.S.	of U.S. in review of the sters (RPWs) that for the sters (RPWs) that flow the sters (RPWs) that flow the sters (RPWs) that flow of the sters (RPWs) that flo	low directly or into TNWs or directly or indirectly or ind	the apply): indirectly into TNW directly into TNWs flow directly or increctly into TNWs directly into TNWs d wetlands area	lirectly into	o TNWs		
There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent water Non-RPWs that flow directly abutting wetlands adjacent to butto wetlands adjacent to not impoundments of jurisdit Isolated (interstate or interest.)	Tof U.S. in review of U.S. in review of U.S. in review of the sters (RPWs) that for the sters (RPWs that flow of the sters) that flow of the sters (RPWs that flow of the sters) waters, in the sters (RPWs that flow of the sters) waters, in the sters (RPWs that flow of the sters) waters, in the sters (RPWs that flow of the sters) waters, in the sters (RPWs that flow of the sters) waters, in the sters (RPWs that flow of the sters)	low directly or into TNWs or directly or indirectly or ind	the apply): indirectly into TNW directly into TNWs flow directly or increctly into TNWs dectly into TNWs d wetlands	lirectly into) TNWs	Acres	

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
1C	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	supporting determination:	
2.	Wetland adjacent to	TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows d ✓ Tributary flows th	•	tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:	
1C	

Project wat			river Miles from tributary to RPW:
Drainat	ters are 30	(or more)	aerial (straight) miles from tributary to TNW:
Project was	ters are 30	(or more)	aerial (straight) miles from tributary to RPW:
Project wat	ters cross or s	erve as state	boundaries. Explain:
Identify flo	w route to TN	IW Generally	y to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tribu	Itary Charact	pristics	
Tributary is:		<u> </u>	Explain:
Tributary 13.	Ivaturar		Explain.
Average	operties with Width (ft): Depth (ft):	respect to top 6.68 1	o of bank (estimate):
Average	Side Slopes:	2:1	
Primary tri	butary substra	ate compositi	on (check all that apply):
☐ Silts	✓ Sand	ds \ \ \ \ Cc	oncrete
	bles 🔽 Grav		_
☐ Bedr	rock 🗏 Subs	trate - Vegeta	ation Other, Explain:
Tributary (Condition/Sta	bility [e.g., hi	ghly eroding, sloughing banks. Explain: Stable
•	of Run/Riffle/		
	Geometry:	Relatively	
•	Gradient (app		
Tributary Provides for: Estimate average numb		ents in review	area/year:
Tributary Provides for: Estimate average numb Describe Flow R	er of flow eve egime: Epl	ents in review hemeral.	area/year:
Tributary Provides for: Estimate average numb	er of flow eve egime: Epl	ents in review hemeral.	area/year:
Tributary Provides for: Estimate average numb Describe Flow Ro Other Information on I	per of flow ever egime: Epl Duration and	ents in review hemeral.	
Tributary Provides for: Estimate average numb Describe Flow R Other Information on I Surface Flow is:	per of flow ever egime: Epl Duration and ' Confined	ents in review hemeral.	Characteristics:
Tributary Provides for: Estimate average numb Describe Flow R Other Information on E Surface Flow is: Subsurface Flow:	per of flow ever egime: Epl Duration and ' Confined No	ents in review hemeral. Volume:	
Tributary Provides for: Estimate average numb Describe Flow R Other Information on I Surface Flow is:	per of flow ever egime: Epl Duration and ' Confined No	ents in review hemeral. Volume:	Characteristics:
Tributary Provides for: Estimate average numb	cer of flow ever egime: Epl Duration and ' Confined No est performed	ents in review hemeral. Volume:	Characteristics:
Tributary Provides for: Estimate average numb Describe Flow R Other Information on D Surface Flow is: Subsurface Flow: Dye (or other) te	cer of flow ever egime: Epl Duration and ' Confined No est performed	ents in review hemeral. Volume:	Characteristics:
Tributary Provides for: Estimate average numb Describe Flow R Other Information on D Surface Flow is: Subsurface Flow: Dye (or other) te Tributary Has (Check al	cer of flow ever egime: Epl Duration and ' Confined No est performed	ents in review hemeral. Volume:	Characteristics: Explain:
Tributary Provides for: Estimate average numb Describe Flow R Other Information on C Surface Flow is: Subsurface Flow: Dye (or other) te Tributary Has (Check all Bed and Banks OHWM (check all te	cer of flow ever egime: Epl Duration and ' Confined No est performed II that apply): Of	ents in review hemeral. Volume:	Characteristics: Explain:
Tributary Provides for: Estimate average numb Describe Flow R Other Information on D Surface Flow is: Subsurface Flow: Dye (or other) te Tributary Has (Check all Bed and Banks	cer of flow ever egime: Epl Duration and ' Confined No est performed Il that apply): Offine apply): Offine impressed	ents in review hemeral. Volume:	Characteristics: Explain:
Tributary Provides for: Estimate average numb Describe Flow R Other Information on D Surface Flow is: Subsurface Flow: Dye (or other) te Tributary Has (Check all Bed and Banks OHWM (check all te Clear, natural li Changes in soil Shelving	cer of flow ever egime: Eplouration and Value Confined No est performed II that apply): the apply): Of the impressed character	ents in review hemeral. Volume: I: HWM Indicate on the bank	Characteristics: Explain: Drs: □ Presence of litter and debris □ Destruction of terrestrial vegetation □ Presence of wrack line
Tributary Provides for: Estimate average numb Describe Flow Re Other Information on E Surface Flow is: Subsurface Flow: Dye (or other) te Tributary Has (Check all I Bed and Banks OHWM (check all te Clear, natural lie Changes in soil Shelving Vegetation mat	cer of flow ever egime: Epl Duration and V Confined No est performed Il that apply): the apply): Of the impressed character etted down, be	ents in review hemeral. Volume: HWM Indicate on the bank ant or absent	Characteristics: Explain: □ Presence of litter and debris □ Destruction of terrestrial vegetation □ Presence of wrack line □ Sediment sorting
Tributary Provides for: Estimate average numb Describe Flow R Other Information on C Surface Flow is: Subsurface Flow: Dye (or other) te Tributary Has (Check al Bed and Banks OHWM (check all te Clear, natural li Changes in soil Shelving Vegetation mat Leaf litter disture	Confined No est performed II that apply): Offine impressed character etted down, be rbed or washe	ents in review hemeral. Volume: HWM Indicate on the bank ant or absent	Characteristics: Explain: □ Presence of litter and debris □ Destruction of terrestrial vegetation □ Presence of wrack line □ Sediment sorting □ Scour
Describe Flow Re Other Information on I Surface Flow is: Subsurface Flow: Dye (or other) to Tributary Has (Check all Bed and Banks OHWM (check all to Clear, natural lied) Changes in soil Shelving Vegetation mat Leaf litter disture Sediment deposition	Confined No est performed II that apply): Offine impressed character etted down, be rbed or washe	ents in review hemeral. Volume: HWM Indicate on the bank ant or absent	Characteristics: Explain: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line Sediment sorting Scour Multiple observed or predicted flow events
Tributary Provides for: Estimate average numb Describe Flow R Other Information on C Surface Flow is: Subsurface Flow: Dye (or other) te Tributary Has (Check al Bed and Banks OHWM (check all te Clear, natural li Changes in soil Shelving Vegetation mat Leaf litter disture	Confined No est performed II that apply): Offine impressed character etted down, be rbed or washe	ents in review hemeral. Volume: HWM Indicate on the bank ant or absent	Characteristics: Explain: □ Presence of litter and debris □ Destruction of terrestrial vegetation □ Presence of wrack line □ Sediment sorting □ Scour

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **1C** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas **Explain findings:** Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW: Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:				
1C				

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is cl characteristics: ect.).	lear, brown, oil film on surface; water quality; general watershed
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (chec	ck all that apply):
☐ Riparian Buffer Characteristics (type, avera	age width):
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive species	Explain:
Aquatic/Wildlife Diversity Explain:	
3. Characteristics of all wetlands adjacent to the tributa	ary (if any)
All wetland(s) being considered in cumulative analy	rsis:
Wetland acres in total being considered in cumulati	ive analysis:
Describe each wetland (directly abuts tributary?: siz	e in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **1C** D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area: 6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C..

Provide estimates for jurisdictional wetland in the review area (in acres):

7. Impoundments of jurisdictional waters.

Demonstration of Jurisdiction:

Feature ID:

		U.S. Army Corps	of Engineers	1C	
Cumporting rationals:					
Supporting rationale: Length (linear feet):	Acros				
Length (intear feet).	Acres:				
ION-JURISDICTIONAL WATE	RS, INCLUDING	WETLANDS:			
Non-Jurisdictional Waters:	Waters do no is required for	_	icant Nexus" standard,	where such a finding	
Provide acreage estimates for r MBR factors (i.e., presence of n professional judgment (check a	more Analys within pollut: affect not pr specie habita Gila Ri biolog betweethe do jurisdingratory birds, pr	than insubstantial his his Area and the down the current Analys ants, or contribute the chemical or physovide significant has a population found to for the amount ver, and do not havical integrity of this en the surface water waters in the review waters in the	ysical integrity of the down bitat or life cycle support within the TNW, do not of nutrient transport to the amore than insubstan TNW. As such, there is not features within the current, as such, these features where the sole poor area, where the sole poor within the current.	exist between the rface water features tribute or filter or frequency that would wnstream TNW. They do t functions for any affect the aquatic the TNW reach of the tial effect on the to significant nexus rrent Analysis Area and es are not a	
□ Non wetland-Waters (i.e., i □ Other Non-wetland Waters □ Wetlands MBR acres:	s MBR acr	es:	width (ft):	the "Significant Novus" sta	n da ra
Provide acreage estimates for r where such a finding is required				ne significant Nexus sta	naara
✓ Non-wetland waters	297.05 li	near feet (ft),	6.68 width (ft)		
Other waters	а	cres			
☐ Wetlands	а	cres			
TION IV. DATA COURCES					
CTION IV: DATA SOURCES A. SUPPORTING DATA. Data re	viewed for ID (ch	ack all that annly	shocked items shall be in	actuded in case file and w	horo
necked and requested, approp	-		checked items shall be in	iciadea iii case iiie aiia, w	ilei e
✓ Maps, Plans, Plots or Plat S	ubmitted by	Applicant/Consult	ant: WestLand Resou	ırces, Inc.	
✓ Data Sheets Prepared/Subr	mitted by or on be	half of Applicant/C	onsultant		
☐ Office Concurs with dat	a sheets/delineat	ion report			
☐ Office Does Not Concur	with data sheets,	delineation report			
☐ Data Sheets Prepared by th	ne Corps				
☐ Corps Navigable Water Stu	•				
☐ US Geological Survey Hydro	•				
	Diogic Atlas				
☐ USGS NHD Data☐ USGS 8 and 12 digit HU	JC Mans				
_	·	December 1			
✓ US Geological Survey Map(Quad Name:			
Superior 7.5-Minute Q	uadrangle				

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **1C** ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

APPROVED JURISDICTIONAL DETERMINATION FORM

Resolution Mine Pipeline Corridor

U.S. Army Corps of Engineers

Feature ID:				
2				

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

			L DETERMINATIO	14 (3D). IVIA	y 15, 2020	
B. DISTRICT OFFICE, FILE NAME, A	AND NUMBER:	Los Angeles	District, File No. SI	PL-2016-0054	7	
C. PROJECT LOCATION AND BACK	GROUND INFOR	MATION: D	rainage Feature	2		
	rish/borough:	Pinal County		Cit	ty: Superior	
Center coordinates of site: Lat.	33.30979°N	Long.	-111.039659°W			
Name of nearest waterbody:	Queen Creek					
Name of nearest Traditional Navi Gila River between Powers	•	•	e aquatic resource fl	ows:		
Name of watershed or Hydrologic	: Unit Code (HUC):	15050)100			
Check if map/diagram of revie	w are and/or pote	ntial jurisdictio	nal areas is/are avail	lable upon requ	uest	
Check if other sites (e.g, offsite different JD form.	e mitigation sites, o	disposal sites, e	tc) are associated	with this actior	n and are recorded on a	
D. REVIEW PERFORMED FOR SITE	EVALUATION (C	HECK ALL TH	AT APPLY):			
Office (Desk) Determination.Field Determination. Date(s)		20				
SECTION II: SUMMARY OF FINDIN						
A. RHA SECTION 10 DETERMINA	TION OF JURISD	ICTION.				
There Are No "navigable waters	of the U.S." within	Rivers and Hai	hors Act (RHA) juris	diction (as defi	ined by 33 CFR part 329	
the review area. Waters subject to the ebb and for the waters are presently used, or head			, ,,	·	, ,	
☐ Waters subject to the ebb and f☐ Waters are presently used, or h☐	ave been used in t	the past, or ma	, ,,	·	, ,	
☐ Waters subject to the ebb and to ☐ Waters are presently used, or had been supported by the company of the co	ave been used in t	the past, or ma	y be susceptible for	use to transpor	rt interstate or foreign co	
☐ Waters subject to the ebb and f☐ Waters are presently used, or h	ave been used in t	the past, or ma	y be susceptible for	use to transpor	rt interstate or foreign co	
 □ Waters subject to the ebb and for the waters are presently used, or head to be a subject to the ebb and for the waters are presently used, or head to be a subject to the waters of the U.S. 1. Waters of the U.S. a. Indicate presence of waters in the water water in the water i	ave been used in to see the see that the see	the past, or ma DICTION ater Act (CWA) area (Check all	y be susceptible for jurisdiction (as defir the apply):	use to transpor ned by 33 CFR p	rt interstate or foreign co	
 □ Waters subject to the ebb and to waters are presently used, or he B. CWA SECTION 404 DETERMINE There Are No "waters of the U.S area. 1. Waters of the U.S. a. Indicate presence of water □ TNWs (new) 	Ave been used in the state of U.S. in review of	the past, or ma DICTION ater Act (CWA) area (Check all low directly or nto TNWs v directly or indi- directly or indirectly or indirectly or indirectly	y be susceptible for jurisdiction (as define the apply): indirectly into TNWs flow directly or indirectly into TNWs	use to transpor	rt interstate or foreign co	
Waters subject to the ebb and to waters are presently used, or has been dependent on the waters are presently used, or has been dependent of the U.S. There Are No "waters of the U.S. area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent water Non-RPWs that flow directly wetlands directly abuttited Wetlands adjacent to butto Wetlands adjacent to no Impoundments of jurisdited Isolated (interstate or interpretable)	Ws ters (RPWs) that for the directly or indirectly in RPWs that flow to not directly abut n-RPWs that flow ctional waters, in restate) waters, in restate) waters, in	the past, or mand in the past, or into TNWs or individually or individually or individually or individually including isolate.	y be susceptible for jurisdiction (as define the apply): indirectly into TNWs directly into TNWs flow directly or indirectly into TNWs	use to transpor	rt interstate or foreign co	
Waters subject to the ebb and to Waters are presently used, or has been supported by Waters are presently used, or has been supported by Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent was Non-RPWs that flow directly abutting Wetlands adjacent to buwetlands adjacent to buwetlands adjacent to no Impoundments of jurisdirectly waters was wetlands adjacent to no Impoundments of jurisdirectly waters was well and support to the waters was well and support waters was well and support waters was waters wa	Ws ters (RPWs) that for the directly or indirectly in RPWs that flow to not directly abut n-RPWs that flow ctional waters, in restate) waters, in restate) waters, in	the past, or mand of the past, or indicate the past, or indicate of the past, or indica	y be susceptible for jurisdiction (as define the apply): indirectly into TNWs directly into TNWs flow directly or indirectly into TNWs	use to transporned by 33 CFR p	rt interstate or foreign co	

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
2	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	upporting determination:	
2.	Wetland adjacent to	TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows o	lirectly to TNW	
✓ Tributary flows t	hrough 5	tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:	
2	

Project wate	rs are 30 (d	or more)	river Miles from tributary to RPW:
Project wate	rs are 30 (d	or more)	aerial (straight) miles from tributary to TNW:
Project wate	rs are 30 (d	or more)	aerial (straight) miles from tributary to RPW:
Project wate	rs cross or ser	ve as state	boundaries. Explain:
Identify flow	route to TNW	/ Generall	y to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tributa	ary Characteri	<u>istics</u>	
Tributary is:	Natural		Explain:
Tributary prop Average V Average D	Vidth (ft):	spect to top 11.59	o of bank (estimate):
Average S	ide Slopes:	2:1	
Primary tribu	utary substrate	e compositi	on (check all that apply):
☐ Silts ☐ Cobbl ☐ Bedro	. 🖳		oncrete
Tributary Co	ondition/Stabi	lity [e.g., hi	ghly eroding, sloughing banks. Explain: Stable
Presence of	Run/Riffle/Po	ol Complex	es. Explain: None present.
Tributary Ge	-	Relatively	_
Tributary Gr	adient (appro	ximate ave	rage slope): 2%
(c) Flow:			
Tributary Provides for: Estimate average number	Ephemeral F r of flow even		area/vear:
Describe Flow Reg		meral.	
Other Information on Du	ration and Vo	lume:	
Curfo oo Flouria	Confined		Charactaristics
Surface Flow is: Subsurface Flow:	No		Characteristics: Explain:
			ЕАРІВІІТ
☐ Dye (or other) test	t periormea:		
Tributary Has (Check all	that apply):		
✓ Bed and Banks✓ OHWM (check all th	e apply): OHV	VM Indicato	ors:
☐ Clear, natural line ☑ Changes in soil ch ☐ Shelving	-	n the bank	□ Presence of litter and debris✓ Destruction of terrestrial vegetation□ Presence of wrack line
✓ Vegetation matte	ed down, bent	or absent	✓ Sediment sorting
Leaf litter disturb	ed or washed		Scour
Sediment depositWater staining	tion		Multiple observed or predicted flow eventsAbrupt change in plant community
Other (list):			
	xplain:		

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 2 High tide line indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas **Explain findings:** Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW: Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature II	D:	
2		

(ii)	Chemical	Characteristics:
------	----------	-------------------------

characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general characteristics: ect.).	i watersne
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (check all that apply):	
Riparian Buffer Characteristics (type, average width):	
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive species Explain:	
Aquatic/Wildlife Diversity Explain:	
3. Characteristics of all wetlands adjacent to the tributary (if any)	
All wetland(s) being considered in cumulative analysis:	
Wetland acres in total being considered in cumulative analysis:	
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical fur	nctions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands. then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 2 D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): TNW Acres

1. TNWs a	nd Adjacent	Wetlands	s. Check	all that a	pply and p	rovide size	estimates in re	view area:	
☐ TNW:	s Linea	ar Feet:			Width (ft)	:	TNW Acres		
	ands adjacent		s. Acres.						
	-			to TNIVA/o					
	that flow dire	-	-					5	10 1
	utaries of TNV tributary is po		tributarie	s typicali	y flow year	-round are	jurisdictional.	Provide data	and Rationale indicating
juris								-	onths each year) are cating that tributary
Р	rovide estima	ites for ju	risdictiona	l waters	in the revi	ew are (che	ck all that app	ly):	
	Tributary w	aters		Line	ar Feet:		Width (Ft).		
	Other non-	wetland	waters:	Acres:					
3. Non-RF	PWs that flow	directly	or indirect	tly into T	NWs.				
	-					-	ectly into a TNV ed at section III.		ignificant nexus
Provide	e estimates of	jurisdicti	onal water	rs within	the review	area (chec	k all that apply	·):	
Lengt	th (Linear Fee	t):		Widt	h (feet):		Acres:		
□ v iı		ctly abut t tributar	ting an RP\	N where	tributaries	typically fl	ow year-round		a and rationale at wetland is directly
i:		Section II	_				-		ata indicating that tributary that wetland is directly
Provid	de acreage est	timates f	or jurisdict	ional we	tland in the	e review are	ea: Acres:		
5. Wetlan	nds adjacent t	o but no	t directly a	butting	an RPW th	at flow dire	ectly or indirec	tly into TN	
adja		h similarl	y situated	adjacent	wetlands,				utary to which they are e jurisidictional. Data
Provide	e acreage esti	mates for	jurisdictic	nal wetl	and in the	review area	a: Acres:		
6. Wetland	ls adjacent to	non-RP\	Ws that flo	w direct	ly or indire	ctly into Ti	NWs.		
and wit	-	uated ad	jacent wet					-	o which they are adjacent al. Data supporting this
Provide	e estimates fo	r jurisdict	tional wetl	and in th	e review a	rea (in acre	s):		
Impoundm	nents of juriso	dictional	waters.						
Demonst	ration of Juris	diction:							

E. ISOLATED WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

		U.S. Army Co	orps of Enginee	rs	2	
Supporting rationale:	•					
Length (linear feet):	Acres					
F. NON-JURISDICTIONAL WAT	ERS, INCLUDING	G WETLANDS:				
Non-Jurisdictional Waters:		not meet the "Si for jurisdiction.	gnificant Nexus	" standard, whe	re such a finding	
Provide acreage estimates for MBR factors (i.e., presence of professional judgment (check	Ana mor Ana with polli affe not specified hab Gila bioli between jurist non-jurisdictional migratory birds, all that apply):	alysis Area and the re than insubstant alysis Area and the hin the current And lutants, or contribute the chemical of provide significancies population for the amount and a River, and do not logical integrity of ween the surface downgradient TN scictional Waters. all waters in the represence of enda	e flowpath to the tial hydrologic control of the tial hydrologic control of the tial hydrologic and the sediments are physical integring the habitat or life of the theory of nutrient the theory of nutrient the thave a more the this TNW. As surwater features were water features where the tial the theory of the	ty of the downstro cycle support func- NW, do not affect ransport to the TN an insubstantial et ch, there is no sign within the current these features are	ne potential for a between the water features te or filter equency that would eam TNW. They do tions for any the aquatic NW reach of the ffect on the nificant nexus Analysis Area and e not a	
☐ Wetlands MBR acress Provide acreage estimates for where such a finding is require	non-jurisdictiona			o not meet the "S	ignificant Nexus" sta	andard,
✓ Non-wetland waters		inear feet (ft),		ridth (ft)		
Other waters		acres		(-4)		
☐ Wetlands		acres				
A. SUPPORTING DATA. Data re checked and requested, appropriate Maps, Plans, Plots or Plat Data Sheets Prepared/Suk	priately reference Submitted by Comitted by or on Contact sheets/deline	Applicant/Cor behalf of Applicant eation report	: nsultant: We nt/Consultant	ns shall be include		vhere
Office Does Not Concu		ets/delineation rep	port			
☐ Data Sheets Prepared by t	-					
☐ Corps Navigable Water St☐ US Geological Survey Hyd☐ USGS NHD Data	-					
USGS 8 and 12 digit H	IIIC Mans					
✓ US Geological Survey Map		d Quad Name:				

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 2 ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation: Other Information, Please Specify:

Additional Comments to Support JD:

APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

Feature ID:

Resolution Mine Pipeline Corridor

3 (Conley Spring Wash)

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMA	ATION						
A. REPORT COMPLETION DATE FOR	APPROVED JU	RISDICTIO	NAL DETERMINATION	ON (JD):	May 15	5, 2020	
B. DISTRICT OFFICE, FILE NAME, AN	D NUMBER:	Los Ange	es District, File No.	SPL-2016-0	0547		
C. PROJECT LOCATION AND BACKGE	ROUND INFORM	MATION:	Drainage Feature	3 (Conley	Spring	Wash)	
State: AZ County/Paris	h/borough:	Pinal Cour	nty		City:	Superior	
Center coordinates of site: Lat.	33.30979°N	Loi	ng111.039659°W				
Name of nearest waterbody: Qu	ueen Creek						
Name of nearest Traditional Navigat Gila River between Powers Bu			the aquatic resource	flows:			
Name of watershed or Hydrologic U	nit Code (HUC):	15	050100				
Check if map/diagram of review aCheck if other sites (e.g, offsite m different JD form.	· ·	-		-	· ·		d on a
D. REVIEW PERFORMED FOR SITE EV	VALUATION (CH	HECK ALL	ΓΗΑΤ APPLY):				
✓ Office (Desk) Determination. Da☐ Field Determination. Date(s):	te: 06/05/2020)					
SECTION II: SUMMARY OF FINDING	S						
A. RHA SECTION 10 DETERMINATION		CTION.					
There Are No "navigable waters of the review area. Waters subject to the ebb and flow		Rivers and	Harbors Act(RHA) jur	risdiction (as	defined	by 33 CFR pa	rt 329 in
\square Waters are presently used, or have	e been used in th	ne past, or	may be susceptible fo	r use to tran	sport int	terstate or fo	reign commerc
B. CWA SECTION 404 DETERMINAT	TION OF JURISE	DICTION					
There Are No "waters of the U.S."	within Clean Wa	ter Act (CW	/A) jurisdiction (as def	ined by 33 C	FR part	328) in the re	view
area. 1. Waters of the U.S.							
a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs (Relatively permanent water of Non-RPWs that flow directle Wetlands directly abutting Wetlands adjacent to but non-Full Wetlands adjacent to non-Full Impoundments of jurisdiction Isolated (interstate or intras	s rs (RPWs) that flo y or indirectly int RPWs that flow ot directly abutti RPWs that flow d onal waters	ow directly to TNWs directly or ing RPWs thirectly or in	or indirectly into TNW indirectly into TNWs nat flow directly or ind ndirectly into TNWs		TNWs		
b. Identify (estimate) size of wa	ters of the U.S. i	n the revie	w area				
Non-Wetlands waters	Linear	Feet	Width (ft	:) and/or		Acres	
Wetlands Acres:							
c. Limits (boundaries) of Jurisdi	ction based on:						
	la / ala a ala ! f a !!						

2. Non-Regulated Waters/Wetlands (check if applicable):

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
3 (Conley Spring Wash)	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW Identify TNW:	☐ Vegetation
	Summarize rationale supporting determination:	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "a	idjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

river miles from TNW

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi): 49650 Drainage Area (sq mi): Average Annual Rainfall (in): 18 Average Annual Snowfall (in): 1.4 (ii) Physical Characteristics: (a) Relationship with TNW ☐ Tributary flows directly to TNW ✓ Tributary flows through 5 tributaries before entering TNW Project waters are 30 (or more)

3 (Conley Spring Wash)

Feature ID:

ributary Provides for: Ephemeral Flow stimate average number of flow events in review area/year: Describe Flow Regime: Ephemeral. Other Information on Duration and Volume: urface Flow is: Confined Characteristics: ubsurface Flow: No Explain: Dye (or other) test performed: Tributary Has (Check all that apply): Bed and Banks OHWM (check all the apply): OHWM Indicators:	Project waters are	30 (or more)	river Miles from tributary to RPW:
Project waters cross or serve as state boundaries. Explain: Identify flow route to TNW Generally to Queen Creek to East Maricopa Floodway to the Gilater	Project waters are	30 (or more)	aerial (straight) miles from tributary to TNW:
Identify flow route to TNW Generally to Queen Creek to East Maricopa Floodway to the Gild (b) General Tributary Characteristics	Project waters are	30 (or more)	aerial (straight) miles from tributary to RPW:
(b) General Tributary Characteristics Tributary is: Natural Explain: Tributary properties with respect to top of bank (estimate): Average Width (ft): 4.02 Average Depth (ft): 1 Average Side Slopes: 2:1 Primary tributary substrate composition (check all that apply): Silts S Sands Concrete Muck Cobbles Gravel Bedrock Substrate - Vegetation Other, Explain: Tributary Condition/Stability [e.g., highly eroding, sloughing banks. Explain: Stable Presence of Run/Riffle/Pool Complexes. Explain: None present. Tributary Geometry: Relatively Straight Tributary Gradient (approximate average slope): 2% low: ibutary Provides for: Ephemeral Flow timate average number of flow events in review area/year: Describe Flow Regime: Ephemeral. tither Information on Duration and Volume: urface Flow is: Confined Characteristics: chsurface Flow: No Explain: Dye (or other) test performed: ributary Has (Check all that apply): Bed and Banks OHWM (check all that apply): OHWM Indicators:	Project waters cross	or serve as state	boundaries. Explain:
Tributary properties with respect to top of bank (estimate): Average Width (ft): 4.02 Average Side Slopes: 2:1 Primary tributary substrate composition (check all that apply): Silts Sands Concrete Muck Cobbles Gavel Bedrock Substrate - Vegetation Other, Explain: Tributary Condition/Stability [e.g., highly eroding, sloughing banks. Explain: Stable Presence of Run/Riffle/Pool Complexes. Explain: None present. Tributary Geometry: Relatively Straight Tributary Gradient (approximate average slope): 2% Flow: The tributary Provides for: Ephemeral Flow stimate average number of flow events in review area/year: Describe Flow Regime: Ephemeral. Other Information on Duration and Volume: Unface Flow is: Confined Characteristics: Under Flow: No Explain: Dye (or other) test performed: Dye (or other) test performed: Indicators: OHWM (check all that apply): OHWM Indicators:	Identify flow route to	TNW Generally	y to Queen Creek to East Maricopa Floodway to the Gila River
Tributary is: Natural	(b) General Tributary Char	acteristics	
Average Width (ft): Average Depth (ft): 1 Average Side Slopes: 2:1 Primary tributary substrate composition (check all that apply): Silts Sands Concrete Muck Cobbles Gravel Bedrock Substrate - Vegetation Other, Explain: Tributary Condition/Stability [e.g., highly eroding, sloughing banks. Explain: Stable Presence of Run/Riffle/Pool Complexes. Explain: None present. Tributary Geometry: Relatively Straight Tributary Gradient (approximate average slope): 2% Flow: ributary Provides for: Ephemeral Flow Stimate average number of flow events in review area/year: Describe Flow Regime: Ephemeral. Describe Flow is: Confined Characteristics: ubsurface Flow: No Explain: Dye (or other) test performed: Tributary Has (Check all that apply): Bed and Banks OHWM (check all the apply): OHWM Indicators:	Tributary is: Natural		Explain:
Flow: ributary Provides for: Ephemeral Flow stimate average number of flow events in review area/year: Describe Flow Regime: Ephemeral. Other Information on Duration and Volume: urface Flow is: Confined Characteristics: ubsurface Flow: No Explain: Dye (or other) test performed: Tributary Has (Check all that apply): Bed and Banks OHWM (check all the apply): OHWM Indicators:	Average Depth (ft Average Side Slop Primary tributary sub Silts SS Cobbles SS Bedrock SS Tributary Condition/ Presence of Run/Rift Tributary Geometry	es: 2:1 estrate composition fands	oncrete Muck ation Other, Explain: ghly eroding, sloughing banks. Explain: Stable ses. Explain: None present. Straight
urface Flow is: Confined Characteristics: ubsurface Flow: No Explain: Dye (or other) test performed: Tributary Has (Check all that apply): Bed and Banks OHWM (check all the apply): OHWM Indicators:	butary Provides for: Ephem imate average number of flow Describe Flow Regime:	events in review Ephemeral.	area/year:
ubsurface Flow: □ Dye (or other) test performed: □ Tributary Has (Check all that apply): ☑ Bed and Banks ☑ OHWM (check all the apply): OHWM Indicators:	her Information on Duration a	nd Volume:	
□ Dye (or other) test performed: Tributary Has (Check all that apply): ✓ Bed and Banks ✓ OHWM (check all the apply): OHWM Indicators:	face Flow is: Confin	ed	Characteristics:
Tributary Has (Check all that apply): ✓ Bed and Banks ✓ OHWM (check all the apply): OHWM Indicators:	osurface Flow: No		Explain:
 ✓ Bed and Banks ✓ OHWM (check all the apply): OHWM Indicators: 	Dye (or other) test perform	ned:	
 ☑ Changes in soil character ☑ Shelving ☑ Vegetation matted down, bent or absent ☑ Leaf litter disturbed or washed away ☑ Sediment deposition ☑ Water staining ☑ Abrupt change in plant community 	Bed and Banks OHWM (check all the apply) ☐ Clear, natural line impres ☑ Changes in soil character ☐ Shelving ☑ Vegetation matted down ☑ Leaf litter disturbed or was ☑ Sediment deposition	: OHWM Indicato sed on the bank , bent or absent	 □ Presence of litter and debris ☑ Destruction of terrestrial vegetation □ Presence of wrack line ☑ Sediment sorting □ Scour
Other (list): Discontinuous? Explain:	Water staining		

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 3 (Conley Spring Wash) High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas **Explain findings:** Other environmentally -sensitive species Explain findings: ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW:

Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

Feature ID:	
3 (Conley Spring Wash)	

characteristics: ect.).	
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (chec	ck all that apply):
☐ Riparian Buffer Characteristics (type, avera	age width):
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive species	Explain:
Aquatic/Wildlife Diversity Explain:	
Characteristics of all wetlands adjacent to the tributa	ary (if any)
All wetland(s) being considered in cumulative analy	ysis:
Wetland acres in total being considered in cumulati	ive analysis:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID:

			U.S. Army Co			3 (Conley Spring Wash)
ETERMINATION	IS OF JURISDI	CTIONAL FI	NDINGS. THE SUE	BJECT WAT	TERS/WETLANDS	ARE (CHECK ALL THAT APPLY)
1. TNWs and Ac	ljacent Wetlan	ds. Check	all that apply and p	rovide size	estimates in review	area:
\square TNWs	Linear Feet:		Width (ft)	:	TNW Acres	
\square Wetlands a	adjacent to TNV	Vs: Acres:				
2. RPWs that fl	ow directly or i	indirectly in	to TNWs			
	s of TNWs wher tary is perennia		s typically flow year	-round are	jurisdictional. Provid	de data and Rationale indicating
	nal. Data suppo				–	hree months each year) are ale indicating that tributary
Provide	e estimates for	jurisdictiona	l waters in the revie	ew are (che	ck all that apply):	
☐ Trib	outary waters		Linear Feet:		Width (Ft).	
☐ Oth	ner non-wetland	d waters:	Acres:			
3. Non-RPWs tl	hat flow directi	ly or indirect	tly into TNWs			
Length (Lin	- [an RPW tha	Width (feet):	directly int	Acres:	
4. Wetlands dir	rectly abutting	an RPW tha	t flow directly or in	directly int	o TNWs.	
	-		are jurisdictional a	=		
indicat	•	_			· ·	vide data and rationale ating that wetland is directly
☐ Wetla	-	_				ovide data indicating that tribut dicating that wetland is directly
is seas	ng and RPW					
is seas abuttii		for jurisdict	ional wetland in the	review are	ea: Acres:	
is seas abuttii Provide acr	eage estimates	-			ea: Acres:	to TN
is seas abuttii Provide acre 5. Wetlands ad Wetlands adjacent	eage estimates ljacent to but n that do not dir and with simila	not directly a rectly abut a rly situated a	butting an RPW than	at flow dire	ectly or indirectly in	to TN the tributary to which they are TNW are jurisidictional. Data
is seas abuttine Provide across 5. Wetlands ad Wetlands adjacent a supporting	eage estimates ljacent to but n s that do not dir and with simila ng this conclusion	not directly a rectly abut a rly situated a on is provide	butting an RPW the n RPW, but when coadjacent wetlands,	at flow dire onsidered in have a sign	ectly or indirectly in a combination with ificant nexus with a	the tributary to which they are
is seas abuttine Provide acres. 5. Wetlands ad Wetlands adjacent a supportine Provide acres.	liacent to but not that do not direct and with similar this conclusionage estimates for	not directly a rectly abut a rly situated a on is provide or jurisdictio	butting an RPW than RPW, but when conditional states adjacent wetlands, dat Section III.C.	at flow dire onsidered in have a sign review area	ectly or indirectly in a combination with ificant nexus with a : Acres:	the tributary to which they are
is seas abuttine Provide acres 5. Wetlands ad adjacent a supportine Provide acres 6. Wetlands adjacent adjacent adjacent acres 6. Wetlands adjacent adjacent adjacent acres materials adjacent adjacent adjacent acres materials adjacent adjacent adjacent acres materials adjacent adjacent acres materials adjacent acres mater	ljacent to but no that do not dir and with similar this conclusion age estimates for acent to non-Rificacent to such v	not directly a rectly abut a rly situated a on is provide or jurisdictio PWs that flo waters, and hadjacent wet	butting an RPW than RPW, but when conditional wetlands, and wetlands in the substance we directly or indirectly or indirectly and we when consider	at flow directors on sidered in have a sign of the certain terms of the	ectly or indirectly in a combination with a ficant nexus with a : Acres:	the tributary to which they are

Demonstration of Jurisdiction:

3 (Conley Spring Wash)

Feature ID:

			•	•	9	J (33)	, 0,01111,0111,111
Supporting rationale:							
Length (linear feet):		Acres:					
. NON-JURISDICTIONAL WATE	RS. INCLU	DING WE	TLANDS:				
Non-Jurisdictional Waters:	Waters	do not m	neet the "Sig	gnifican	t Nexus" standard	, where such a fi	nding
	is requi		risdiction.				
Provide acreage estimates for MBR factors (i.e., presence of the professional independent (shock)	non-jurisdio migratory b	Analysis a more that Analysis a within the pollutant affect the not proving species per habitat of Gila River biological between the down jurisdictional water irds, preserved.	Area and the n insubstanti Area and the e current Anas, or contribute chemical or de significant opulation for the amout, and do not I integrity of the surface was a gradient TNV onal Waters.	flowpatial hydrodowngralysis Arute seding physicath habitath and with unt of number for water few and, and, and, and, and, and, and, and,		nate the potential of exist between the prize water featurn tribute or filter to or frequency that with with the the aquatic the TNW reach of initial effect on the no significant nexularrent Analysis Are res are not a	for a eres would hey do y the as a and
professional judgment (check a ☐ Non wetland-Waters (i.e., ☐ Other Non-wetland Water	rivers, strea				width (ft):		
☐ Wetlands MBR acres:							
Provide acreage estimates for where such a finding is require	-				ea that do not meet	the "Significant Ne	exus" standard,
✓ Non-wetland waters	55	66.05 line	ar feet (ft),		4.02 width (ft)		
Other waters		acre	!S				
☐ Wetlands		acre	!S				
ECTION IV: DATA SOURCES							
A. SUPPORTING DATA. Data re checked and requested, approp ✓ Maps, Plans, Plots or Plat S ✓ Data Sheets Prepared/Sub ☐ Office Concurs with da ☐ Office Does Not Concu	oriately refe Submitted by control of the control o	erence sou by Ap or on beha elineation	rces below): oplicant/Cons If of Applican report	sultant: nt/Consu	WestLand Reso		e and, where
□ Data Sheets Prepared by the Corps Navigable Water Stu□ US Geological Survey Hydr□ USGS NHD Data	ıdy	;					
USGS 8 and 12 digit H	UC Maps						
✓ US Geological Survey Map Superior 7.5-Minute C		le and Qua	nd Name:				

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

U.S. Army Corps of Engineers 3 (Conley Spring Wash) ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Additional Comments to Support JD:

Other Information, Please Specify:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
4	

Thi

	PPROVED JURISDIC	TIONAL DETERMINAT	TION (JD): N	/lay 15, 2020	
D DISTRICT OFFICE FILE NAME AND				,	
B. DISTRICT OFFICE, FILE NAME, AND	NUMBER: LOS A	ngeles District, File No). SPL-2016-005	547	
C. PROJECT LOCATION AND BACKGRO		N: Drainage Feature	9 4		
State: AZ County/Parish/	borough: Pinal (County		City: Superior	
Center coordinates of site: Lat. 3	3.30979°N	Long111.039659°W	I		
Name of nearest waterbody: Que	en Creek				
Name of nearest Traditional Navigable Gila River between Powers Butte		hich the aquatic resourd	ce flows:		
Name of watershed or Hydrologic Unit	Code (HUC):	15050100			
✓ Check if map/diagram of review are	and/or potential jur	isdictional areas is/are a	available upon re	equest	
Check if other sites (e.g, offsite miti different JD form.	gation sites, disposal	sites, etc) are associat	ted with this acti	ion and are recorded o	on a
D. REVIEW PERFORMED FOR SITE EVA	LUATION (CHECK A	ALL THAT APPLY):			
✓ Office (Desk) Determination. Date☐ Field Determination. Date(s):	: 06/05/2020				
SECTION II: SUMMARY OF FINDINGS					
A. RHA SECTION 10 DETERMINATION	N OF JURISDICTION				
There Are No "navigable waters of the the review area.	e U.S." within Rivers a		urisdiction (as d	efined by 33 CFR part	329 in
There Are No "navigable waters of the	e U.S." within Rivers a	and Harbors Act(RHA) j	·	, ,	
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow of the ebb and flow of the subject to the ebb and flow of the ebb and	e U.S." within Rivers and the tide. Deen used in the past	and Harbors Act(RHA)j , or may be susceptible	·	, ,	
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow of the waters are presently used, or have be	e U.S." within Rivers and the tide. Deen used in the past	and Harbors Act(RHA)j , or may be susceptible N	for use to transp	oort interstate or forei	gn commerc
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow of waters are presently used, or have be to the No "waters of the U.S." with area.	e U.S." within Rivers and the tide. Deen used in the past	and Harbors Act(RHA)j , or may be susceptible N	for use to transp	oort interstate or forei	gn commerc
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow of waters are presently used, or have be to the No "waters of the U.S." with area. 1. Waters of the U.S.	e U.S." within Rivers and the tide. Deen used in the past DN OF JURISDICTIO Thin Clean Water Act	and Harbors Act(RHA)j , or may be susceptible N (CWA) jurisdiction (as d	for use to transp	oort interstate or forei	gn commerc
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow of waters are presently used, or have be to the No "waters of the U.S." with area.	e U.S." within Rivers and the tide. Deen used in the past DN OF JURISDICTION thin Clean Water Act S. in review area (Ch	and Harbors Act(RHA)j , or may be susceptible N (CWA)jurisdiction (as d	for use to transp efined by 33 CFF	oort interstate or forei	gn commerc
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow of waters are presently used, or have be to the No "waters of the U.S." with area. 1. Waters of the U.S. a. Indicate presence of water of U.S. "Wetlands adjacent to TNWs"	of the tide. Deen used in the past DN OF JURISDICTIO Thin Clean Water Act S. in review area (Character) CRPWs) that flow directly into TNW PWs that flow directly directly abutting RPV Ws that flow directly al waters	not Harbors Act (RHA) j or may be susceptible (CWA) jurisdiction (as d neck all the apply): ctly or indirectly into TN/s y or indirectly into TNW Vs that flow directly or i or indirectly into TNWs	for use to transprefined by 33 CFF	port interstate or forei	gn commerc
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow of waters are presently used, or have to the self waters are presently used, or have to the self waters are presently used, or have to the total waters are presently used, or have to the total waters are presently used, or have to the total waters of the U.S." with area. 1. Waters of the U.S. a. Indicate presence of water of U.S. Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly of the total waters adjacent to but not the wetlands adjacent to but not the wetlands adjacent to non-RP Impoundments of jurisdiction Isolated (interstate or intrastate)	ce U.S." within Rivers and the tide. Doen used in the past DN OF JURISDICTION Thin Clean Water Act S. in review area (Chapter) CRPWs) that flow directly into TNW DWS that flow directly directly abutting RPW Ws that flow directly all waters Site) waters, including	and Harbors Act (RHA) j , or may be susceptible. (CWA) jurisdiction (as defined all the apply): actly or indirectly into TN/s y or indirectly into TNW Vs that flow directly or indirectly into TNWs isolated wetlands	for use to transprefined by 33 CFF	port interstate or forei	gn commerc
There Are No "navigable waters of the the review area. Waters subject to the ebb and flow of waters are presently used, or have to the self waters are presently used, or have to the self waters of the U.S." with area. 1. Waters of the U.S. a. Indicate presence of water of U.S. TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly of Wetlands directly abutting RI. Wetlands adjacent to but not wetlands adjacent to non-RP U.S. Impoundments of jurisdiction	ce U.S." within Rivers and the tide. Doen used in the past DN OF JURISDICTION Thin Clean Water Act S. in review area (Chapter) CRPWs) that flow directly into TNW DWS that flow directly directly abutting RPW Ws that flow directly all waters Site) waters, including	and Harbors Act (RHA) j , or may be susceptible (CWA) jurisdiction (as d neck all the apply): ctly or indirectly into TN /s y or indirectly into TNW Vs that flow directly or i or indirectly into TNWs isolated wetlands eview area	for use to transprefined by 33 CFF	port interstate or forei	gn commerc

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
4	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	supporting determination:	
2.	Wetland adjacent to	TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions: Watershed Size (sq. mi):

Watershed Size (sq mi): 49650

Drainage Area (sq mi): 18

Average Annual Snowfall (in): 1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows o ✓ Tributary flows t	•	tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:	
4	

Project water	rs are 30 (or more)	river Miles from tributary to RPW:
Project water	rs are 30 (or more)	aerial (straight) miles from tributary to TNW:
Project water	rs are 30 (or more)	aerial (straight) miles from tributary to RPW:
Project water	rs cross or serve as state	boundaries. Explain:
Identify flow	route to TNW Generally	y to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tributa	ry Characteristics	
Tributary is: N		Explain:
Tributary prop Average W Average D	` '	o of bank (estimate):
Average Si	ide Slopes: 2:1	
Primary tribu	tary substrate compositi	on (check all that apply):
☐ Silts	✓ Sands	oncrete
Cobble	es 🔽 Gravel	
☐ Bedroo	ck 🔲 Substrate - Vegeta	ation Other, Explain:
Tributary Co	ndition/Stability [e.g., hiş	ghly eroding, sloughing banks. Explain: Stable
Presence of	Run/Riffle/Pool Complex	es. Explain: None present.
Tributary Ge	ometry: Relatively	Straight
Tributary Gra	adient (approximate ave	rage slope): 2%
(c) Flow:		
(c) Flow: Tributary Provides for:	Ephemeral Flow	
Estimate average number	· · ·	area/year:
Describe Flow Reg	ime: Ephemeral.	
Other Information on Du	ration and Volume:	
- 6 1	- 6	
Surface Flow is:	Confined	Characteristics:
Subsurface Flow:	No	Explain:
\square Dye (or other) test	performed:	
Tributary Has (Chask all t	hat annly):	
Tributary Has (Check all t	пас арріу).	
Bed and BanksOHWM (check all the	e apply): OHWM Indicato	ors:
	impressed on the bank	Presence of litter and debris
Changes in soil ch	aracter	Destruction of terrestrial vegetation
Shelving		Presence of wrack line
✓ Vegetation matte✓ Leaf litter disturbe	d down, bent or absent	✓ Sediment sorting☐ Scour
✓ Sediment deposit	•	 Scoul Multiple observed or predicted flow events
☐ Water staining		☐ Abrupt change in plant community
Other (list):		,
	plain:	
	·	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 4 High tide line indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW: Flow is From:

Estimate approximate Location of Wetland within Floodplain:

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watersr characteristics: ect.).
Explain
Identify specific pollutants, if know:
(iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
☐ Federally Listed Species Explain:
☐ Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
3. Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands. then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 4 D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area: 6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C..

Demonstration of Jurisdiction:

Provide estimates for jurisdictional wetland in the review area (in acres):

7. Impoundments of jurisdictional waters.

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

		U.S. Army Co	orps of Engine	ers	4	
Supporting rationale:						
Length (linear feet):	Acres					
F. NON-JURISDICTIONAL WATE	RS, INCLUDING	G WETLANDS:				
Non-Jurisdictional Waters:		not meet the "Sig for jurisdiction.	gnificant Nexu	s" standard, wh	nere such a finding	
Provide acreage estimates for r MBR factors (i.e., presence of n professional judgment (check a	Anal mor Anal with pollu affect not specified between the control of the control	re than insubstant lysis Area and the lysis Area and the nin the current An utants, or contribute the chemical or provide significant cies population for itat of or the amo River, and do not ogical integrity of ween the surface of downgradient TN's dictional Waters.	flowpath to the ial hydrologic condowngradient alysis Area do rute sediments are physical integrated thabitation life und within the unt of nutrient this TNW. As suwater features W and, as such, view area, when gered species,	e TNW eliminate onnection to exist TNW. The surfact of either contributed an amount or fitty of the downstransport to the transport to the tra	the potential for a st between the e water features oute or filter frequency that would tream TNW. They do notions for any ect the aquatic TNW reach of the effect on the ignificant nexus at Analysis Area and are not a	
Wetlands MBR acres: Provide acreage estimates for r				do not meet the	"Significant Nexus" sta	ındard,
where such a finding is required Non-wetland waters		linear feet (ft),		vidth (ft)		
Other waters	363.13	acres	2.52	viatii (it)		
☐ Wetlands		acres				
SECTION IV: DATA SOURCES						
A. SUPPORTING DATA. Data re	-		-	ms shall be inclu	ded in case file and, w	here
checked and requested, approp Maps, Plans, Plots or Plat S	=	e sources below): Applicant/Con		stLand Resource	os Inc	
✓ Data Sheets Prepared/Subi	· ·	* *		stranu kesource	S, IIIC.	
_	•	* *	it/Consultant			
☐ Office Concurs with dat		· ·				
Office Does Not Concu	r with data shee	ts/delineation rep	ort			
Data Sheets Prepared by the	ne Corps					
Corps Navigable Water Stu	ldy					
☐ US Geological Survey Hydro	ologic Atlas					
USGS NHD Data						
USGS 8 and 12 digit HU	UC Mans					
✓ US Geological Survey Map(•	d Quad Name:				

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 4 ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
5	

Thi

A. REPORT CONFERTION DATE I	OR APPROVED JURIS	SDICTIONAL	DETERMINATIO	ON (JD): N	ay 15, 20	20
B. DISTRICT OFFICE, FILE NAME, A	AND NUMBER:	os Angeles D	istrict, File No. S	SPL-2016-005	47	
C. PROJECT LOCATION AND BACK	GROUND INFORMA	ATION: Dra	inage Feature	5		
		nal County			City: Su	ıperior
Center coordinates of site: Lat.	33.30979°N	Long.	-111.039659°W			
Name of nearest waterbody:	Queen Creek					
Name of nearest Traditional Navi Gila River between Powers			aquatic resource	flows:		
Name of watershed or Hydrologic	Unit Code (HUC):	150501	00			
✓ Check if map/diagram of revie	w are and/or potentia	al jurisdiction	al areas is/are ava	ilable upon re	quest	
Check if other sites (e.g, offsite different JD form.	e mitigation sites, disp	osal sites, etc) are associated	l with this acti	on and are	recorded on a
D. REVIEW PERFORMED FOR SITE	EVALUATION (CHE	CK ALL THA	Γ APPLY):			
Office (Desk) Determination.Field Determination. Date(s						
SECTION II: SUMMARY OF FINDIN A. RHA SECTION 10 DETERMINA		ION.				
the review area. Waters subject to the ebb and				·	·	·
☐ Waters are presently used, or r		1/-				
		CTION				
B. CWA SECTION 404 DETERMINTHER Are No "waters of the U.S. 1. Waters of the U.S.	IATION OF JURISDIC		ırisdiction (as def	ined by 33 CFF	part 328)	in the review
B. CWA SECTION 404 DETERMINE There Are No "waters of the U.S area.	IATION OF JURISDIC 5." within Clean Water of U.S. in review are	Act (CWA) ju	ne apply):	ŕ	part 328)	in the review
B. CWA SECTION 404 DETERMINE There Are No "waters of the U.S. area. 1. Waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN	IATION OF JURISDIC S." within Clean Water of U.S. in review are lWs leters (RPWs) that flow lettly or indirectly into lng RPWs that flow did t not directly abutting n-RPWs that flow directional waters	a (Check all to directly or in TNWs rectly or indirectly o	he apply): directly into TNW rectly into TNWs ow directly or inc ctly into TNWs	'S		in the review
B. CWA SECTION 404 DETERMINE There Are No "waters of the U.S. a. Indicate presence of water TNWs (new) Wetlands adjacent to TN Relatively permanent water Non-RPWs that flow directly abutt Wetlands adjacent to but Wetlands adjacent to but Wetlands adjacent to but Impoundments of jurisd	ATION OF JURISDIC 5." within Clean Water of U.S. in review are leaved that flow actly or indirectly into ing RPWs that flow did t not directly abutting in-RPWs that flow directly ctional waters trastate) waters, include	a (Check all to directly or in TNWs rectly or indirectly o	he apply): directly into TNW rectly into TNWs ow directly or inc ctly into TNWs wetlands	'S		in the review
B. CWA SECTION 404 DETERMINE There	ATION OF JURISDIC 5." within Clean Water of U.S. in review are leaved that flow actly or indirectly into ing RPWs that flow did t not directly abutting in-RPWs that flow directly ctional waters trastate) waters, include	Act (CWA) just a (Check all to directly or indirectly or i	he apply): directly into TNW rectly into TNWs ow directly or inc ctly into TNWs wetlands	's lirectly into TN	Ws	in the review

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
5	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW Identify TNW:		☐ Vegetation
	Summarize rationale s	supporting determination:	
2.	Wetland adjacent to	TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

Watershed Size (sq mi): 49650 Drainage Area (sq mi): 18

Average Annual Snowfall (in):

(ii) Physical Characteristics:

(i) General Area Conditions:

((a	Relationship	with TNW
1		,	,

☐ Tributary flows d ☑ Tributary flows tl		tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

1.4

Feature ID:	
5	

Project wa					s from tributa	•		
Project wa	aters are	30 (or mo	re)	aerial (stra	aight) miles fr	om tributary	to TNW:	
Project wa	aters are	30 (or mo	re)	aerial (stra	aight) miles fr	om tributary	to RPW:	
Project wa	aters cross	or serve as	state b	oundaries.	. Explain:			
Identify fl	ow route to	TNW Ger	nerally	to Queen (Creek to East	Maricopa Fl	oodway to	the Gila River
(h) Comand Tuih	ta					<u>_</u>		
(b) General Trib		<u>acteristics</u>		-valain.				
Tributary is:	Maturai			Explain:				
Averag	roperties w e Width (ft e Depth (ft e Side Slop): 4.27): 1	to top	of bank (es	stimate):			
				/ -ll · -l				
			_		ll that apply):			
Silt		ands	Con	icrete	☐ Mu	ıck		
_	😑	iravel ubstrate - V	logotot	ion Oth	er, Explain:			
			•		•			
•				_	g, sloughing b	·	n: Stab	le
	•	le/Pool Cor	•	•	Non	e present.		
Tributary	Geometry	Relat	tively S	traight				
•								
Tributary	Gradient (approximat	e avera	age slope):	2%			
Tributary Flow: Tributary Provides for: Estimate average num	Ephem ber of flow	eral Flow events in re	eview a		2%			
Tributary Flow: Tributary Provides for: Estimate average num Describe Flow I	Ephem ber of flow Regime:	eral Flow events in re Ephemeral	eview a		2%			
Tributary Flow: Tributary Provides for: Estimate average num	Ephem ber of flow Regime:	eral Flow events in re Ephemeral	eview a		2%			
Tributary Flow: Tributary Provides for: Estimate average num Describe Flow I	Ephem ber of flow Regime:	eral Flow events in re Ephemeral nd Volume:	eview a					
Tributary Flow: Tributary Provides for: Estimate average num Describe Flow I Other Information on	Ephem ber of flow Regime: Duration a	eral Flow events in re Ephemeral nd Volume:	eview a	area/year:				
Flow: Tributary Flow: Tributary Provides for: Estimate average num Describe Flow I Other Information on Surface Flow is: Subsurface Flow:	Ephember of flow Regime: Duration a Confine No	eral Flow events in re Ephemeral nd Volume:	eview a	nrea/year: Character				
Flow: Tributary Flow: Tributary Provides for: Estimate average num Describe Flow I Other Information on	Ephember of flow Regime: Duration a Confine No	eral Flow events in re Ephemeral nd Volume:	eview a	nrea/year: Character				
Flow: Tributary Flow: Tributary Provides for: Estimate average num Describe Flow I Other Information on Surface Flow is: Subsurface Flow:	Ephember of flow Regime: Duration a Confine No	eral Flow events in re Ephemeral nd Volume: ed	eview a	nrea/year: Character				
Flow: Tributary Provides for: Estimate average num Describe Flow I Other Information on Surface Flow is: Subsurface Flow: Dye (or other) t	Ephember of flow Regime: Duration a Confine No	eral Flow events in re Ephemeral nd Volume: ed	eview a	nrea/year: Character				
Flow: Tributary Flow: Tributary Provides for: Estimate average num Describe Flow Flow Flow Flow Flow Flow Flow Flow	Ephember of flow Regime: Duration a Confine No est performall that app	eral Flow events in re Ephemeral nd Volume: ed ned:	eview a	character				
Flow: Tributary Provides for: Estimate average num Describe Flow I Other Information on Surface Flow is: Subsurface Flow: Dye (or other) t Tributary Has (Check a	Ephember of flow Regime: Duration a Confine No est performall that app	eral Flow events in re Ephemeral nd Volume: ed ned:	eview a	character	ristics:	f litter and o	debris	
Flow: Tributary Provides for: Estimate average num Describe Flow I Other Information on Surface Flow is: Subsurface Flow: Dye (or other) t Tributary Has (Check a Bed and Banks OHWM (check all Clear, natural Changes in soi	Ephember of flow Regime: Duration a Confine No est perforrall that app the apply) ine impres	eral Flow events in re Ephemeral nd Volume: ed ned:	eview a	character Explain:	ristics: Presence o	n of terrestr		on
Flow: Tributary Provides for: Estimate average num Describe Flow I Other Information on Surface Flow is: Subsurface Flow: □ Dye (or other) t Tributary Has (Check a ☑ Bed and Banks ☑ OHWM (check all □ Clear, natural ☑ Changes in soi □ Shelving	Ephember of flow Regime: Duration a Confine No est performall that app the apply) ine impression character	eral Flow events in re Ephemeral nd Volume: ed hed: ly): : OHWM In sed on the l	eview a l. : dicator bank	Character Explain:	Presence of Destruction Presence of Presen	n of terrestr f wrack line		on
Flow: Tributary Provides for: Estimate average num Describe Flow I Other Information on Surface Flow is: Subsurface Flow: Dye (or other) t Tributary Has (Check all I Glear, natural I Changes in soi Shelving Vegetation ma	Ephember of flow Regime: Duration a Confine No est performall that app the apply) ine impressional character	eral Flow events in re Ephemeral nd Volume: ed ly): : OHWM In sed on the l	eview a l. : dicator bank	Character Explain:	ristics: Presence o	n of terrestr f wrack line		on
Flow: Tributary Provides for: Estimate average num Describe Flow I Other Information on Surface Flow is: Subsurface Flow: Dye (or other) t Tributary Has (Check a Bed and Banks OHWM (check all Clear, natural Changes in soi Shelving	Ephember of flow Regime: Duration a Confine No est performall that app the apply) ine imprest character tted down urbed or wa	eral Flow events in re Ephemeral nd Volume: ed ly): : OHWM In sed on the l	eview a l. : dicator bank	Character Explain:	Presence of Destruction Presence of Sediment's Scour	n of terrestr f wrack line	ial vegetati	
Flow: Tributary Provides for: Estimate average num Describe Flow II Other Information on Surface Flow is: Subsurface Flow: Dye (or other) t Tributary Has (Check all I Clear, natural I Changes in soi Shelving Vegetation ma	Ephember of flow Regime: Duration a Confine No est performall that app the apply) ine imprest character tted down urbed or was position	eral Flow events in re Ephemeral nd Volume: ed ly): : OHWM In sed on the l	eview a l. : dicator bank	Character Explain:	Presence of Destruction Presence of Sediment son Scour Multiple of	n of terrestr f wrack line orting	ial vegetati	ow events
Flow: Tributary Provides for: Estimate average num Describe Flow I Other Information on Surface Flow is: Subsurface Flow: Dye (or other) t Tributary Has (Check all I Bed and Banks I OHWM (check all I Clear, natural I Changes in soi Shelving I Vegetation ma I Leaf litter distu I Sediment depo	Ephember of flow Regime: Duration a Confine No est performall that app the apply) ine imprest character tted down urbed or was position	eral Flow events in re Ephemeral nd Volume: ed ly): : OHWM In sed on the l	eview a l. : dicator bank	Character Explain:	Presence of Destruction Presence of Sediment son Scour Multiple of	n of terrestr f wrack line orting oserved or p	ial vegetati	ow events

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5 High tide line indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW: Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:
5

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watersr characteristics: ect.).
Explain
Identify specific pollutants, if know:
(iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
☐ Federally Listed Species Explain:
☐ Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
3. Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands. then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5 D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area: 6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this

Demonstration of Jurisdiction:

Provide estimates for jurisdictional wetland in the review area (in acres):

conclusion is provided at Section III.C..

7. Impoundments of jurisdictional waters.

Feature ID:

		U.S. Army C	orps of Engineers	5	
Composition setimals.					
Supporting rationale: Length (linear feet):	Acre				
Length (linear feet):	Acre	25:			
NON-JURISDICTIONAL WATER	RS, INCLUDIN	IG WETLANDS:			
Non-Jurisdictional Waters:		not meet the "Si for jurisdiction.	gnificant Nexus" standa	ard, where such a finding	
Provide acreage estimates for n MBR factors (i.e., presence of m professional judgment (check a	mo Ana wit pol affo not spe hab Gila bio bet the juri non-jurisdiction nigratory birds,	ore than insubstantialysis Area and the chin the current Area llutants, or contributed the chemical of the cries population for the amount of or the amount of the cries are chemical integrity of tween the surface and downgradient TN is dictional Waters.	tial hydrologic connection of downgradient TNW. The halysis Area do not either ute sediments at an amour physical integrity of the halt habitat or life cycle suppend within the TNW, do not the fount of nutrient transport thave a more than insubstitist TNW. As such, there water features within the W and, as such, these features within the weight of the sole with th	contribute or filter unt or frequency that would downstream TNW. They do port functions for any not affect the aquatic to the TNW reach of the stantial effect on the is no significant nexus current Analysis Area and stures are not a	
☐ Non wetland-Waters (i.e., r☐ Other Non-wetland Waters		: linear feet : acres:	width (ft):		
☐ Wetlands MBR acres:	on-jurisdiction	al waters in the re	view area that do not me	et the "Significant Nexus" star	ndard
Provide acreage estimates for n				et the "Significant Nexus" star	ndard
Provide acreage estimates for n	d for jurisdictio			et the "Significant Nexus" star	ndard
Provide acreage estimates for n where such a finding is required	d for jurisdictio	n (check all that a	pply):	et the "Significant Nexus" star	ndard
Provide acreage estimates for n where such a finding is required Non-wetland waters	d for jurisdictio	n (check all that a	pply):	et the "Significant Nexus" star	ndard
Provide acreage estimates for n where such a finding is required Non-wetland waters Other waters Wetlands	d for jurisdictio	n (check all that a linear feet (ft), acres	pply):	et the "Significant Nexus" star	ndard
Provide acreage estimates for nowhere such a finding is required. Non-wetland waters Other waters Wetlands TION IV: DATA SOURCES	d for jurisdictio	n (check all that a linear feet (ft), acres acres	oply): 4.27 width (ft)		
Provide acreage estimates for nowhere such a finding is required. Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES SUPPORTING DATA. Data rev	d for jurisdictio 923.1' viewed for JD (on (check all that a linear feet (ft), acres acres	opply): 4.27 width (ft) oly - checked items shall b		
Provide acreage estimates for nowhere such a finding is required. Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES SUPPORTING DATA. Data rev	d for jurisdictio 923.1' viewed for JD (riately referen	on (check all that a linear feet (ft), acres acres	apply): 4.27 width (ft) bly - checked items shall be:	e included in case file and, w	
Provide acreage estimates for nowhere such a finding is required. Non-wetland waters Other waters Wetlands TION IV: DATA SOURCES SUPPORTING DATA. Data revolutions	d for jurisdictio 923.1 viewed for JD (riately reference	on (check all that a 7 linear feet (ft), acres acres (check all that app ce sources below) Applicant/Cor	epply): 4.27 width (ft) 10 - checked items shall be the checked items sha	e included in case file and, w	
Provide acreage estimates for nowhere such a finding is required. Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES SUPPORTING DATA. Data reveled and requested, appropring Maps, Plans, Plots or Plat Sources	viewed for JD (riately reference ubmitted by mitted by or on	In (check all that a linear feet (ft), acres acres (check all that app ce sources below) Applicant/Cor	epply): 4.27 width (ft) 10 - checked items shall be the checked items sha	e included in case file and, w	
Provide acreage estimates for nowhere such a finding is required. Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES SUPPORTING DATA. Data revoluted and requested, appropring Maps, Plans, Plots or Plat Sources Data Sheets Prepared/Subr	viewed for JD (riately reference ubmitted by mitted by or on a sheets/deline	in (check all that a 7 linear feet (ft), acres acres (check all that app ce sources below) Applicant/Corn behalf of Applicate eation report	4.27 width (ft) 4.27 width (ft) 6ly - checked items shall be: asultant: WestLand Reconsultant	e included in case file and, w	
Provide acreage estimates for nowhere such a finding is required. Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES SUPPORTING DATA. Data revelecked and requested, appropring Maps, Plans, Plots or Plat Sources Data Sheets Prepared/Subration Office Concurs with data	viewed for JD (riately reference ubmitted by mitted by or on a sheets/deline	in (check all that a 7 linear feet (ft), acres acres (check all that app ce sources below) Applicant/Corn behalf of Applicate eation report	4.27 width (ft) 4.27 width (ft) 6ly - checked items shall be: asultant: WestLand Reconsultant	e included in case file and, w	
Provide acreage estimates for nowhere such a finding is required. Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES SUPPORTING DATA. Data reveleted and requested, appropriate Maps, Plans, Plots or Plat Solution Office Concurs with dat Office Does Not Concur	viewed for JD (riately reference ubmitted by mitted by or on a sheets/deline with data shee	in (check all that a 7 linear feet (ft), acres acres (check all that app ce sources below) Applicant/Corn behalf of Applicate eation report	4.27 width (ft) 4.27 width (ft) 6ly - checked items shall be: asultant: WestLand Reconsultant	e included in case file and, w	
Provide acreage estimates for me where such a finding is required. Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES SUPPORTING DATA. Data revelecked and requested, appropriate Maps, Plans, Plots or Plat Sources Office Concurs with dat Office Does Not Concur Data Sheets Prepared by th Corps Navigable Water Students	viewed for JD (riately reference ubmitted by mitted by or on a sheets/deline with data shee ne Corps dy	in (check all that a 7 linear feet (ft), acres acres (check all that app ce sources below) Applicant/Corn behalf of Applicate eation report	4.27 width (ft) 4.27 width (ft) 6ly - checked items shall be: asultant: WestLand Reconsultant	e included in case file and, w	
Provide acreage estimates for nowhere such a finding is required. Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES SUPPORTING DATA. Data revelenced and requested, appropriate Maps, Plans, Plots or Plat Soil Maps, Plans, Plots or Plat Soil Office Concurs with dat Office Does Not Concur Data Sheets Prepared by the Corps Navigable Water Studies US Geological Survey Hydro	viewed for JD (riately reference ubmitted by mitted by or on a sheets/deline with data shee ne Corps dy	in (check all that a 7 linear feet (ft), acres acres (check all that app ce sources below) Applicant/Corn behalf of Applicate eation report	4.27 width (ft) 4.27 width (ft) 6ly - checked items shall be: asultant: WestLand Reconsultant	e included in case file and, w	
Provide acreage estimates for me where such a finding is required. Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES SUPPORTING DATA. Data reveleted and requested, appropriate Maps, Plans, Plots or Plat Sources Office Concurs with dat Office Does Not Concur Data Sheets Prepared by the Corps Navigable Water Study US Geological Survey Hydro	viewed for JD (riately reference ubmitted by mitted by or on a sheets/deline with data sheet ne Corps dy plogic Atlas	in (check all that a 7 linear feet (ft), acres acres (check all that app ce sources below) Applicant/Corn behalf of Applicate eation report	4.27 width (ft) 4.27 width (ft) 6ly - checked items shall be: asultant: WestLand Reconsultant	e included in case file and, w	
Provide acreage estimates for nowhere such a finding is required. Non-wetland waters Other waters Wetlands CTION IV: DATA SOURCES SUPPORTING DATA. Data revelenced and requested, appropriate Maps, Plans, Plots or Plat Soil Maps, Plans, Plots or Plat Soil Office Concurs with dat Office Does Not Concur Data Sheets Prepared by the Corps Navigable Water Studies US Geological Survey Hydro	viewed for JD (riately reference ubmitted by mitted by or on a sheets/deline with data sheet ne Corps dy plogic Atlas	in (check all that a 7 linear feet (ft), acres acres (check all that app ce sources below) Applicant/Corn behalf of Applicate eation report	4.27 width (ft) 4.27 width (ft) 6ly - checked items shall be: asultant: WestLand Reconsultant	e included in case file and, w	

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5 ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
5A	

Thi

		DICTION	AL DETERMINATION	ON (JD) : May	15, 2020	
B. DISTRICT OFFICE, FILE NAME, AND	NUMBER: Lo	s Angeles	District, File No. S	SPL-2016-00547	7	
C. PROJECT LOCATION AND BACKGRO	UND INFORMA	TION: D	rainage Feature	5A		
State: AZ County/Parish/	borough: Pir	nal County		City	y: Superior	
Center coordinates of site: Lat. 3	3.30979°N	Long.	-111.039659°W			
Name of nearest waterbody: Que	en Creek					
Name of nearest Traditional Navigable Gila River between Powers Butte			e aquatic resource	flows:		
Name of watershed or Hydrologic Unit	: Code (HUC):	15050	0100			
✓ Check if map/diagram of review are	and/or potential	l jurisdictio	nal areas is/are ava	_ iilable upon requ	est	
Check if other sites (e.g, offsite mitidifferent JD form.	gation sites, dispo	osal sites, e	etc) are associated	d with this action	and are recorded on a	a
D. REVIEW PERFORMED FOR SITE EVA	LUATION (CHEC	CK ALL TH	AT APPLY):			
Office (Desk) Determination. DateField Determination. Date(s):	: 06/05/2020					
SECTION II: SUMMARY OF FINDINGS						
A. RHA SECTION 10 DETERMINATION	N OF JURISDICTI	ON.				
There Are No "navigable waters of the	e U.S." within Rive	ers and Ha	rbors Act (RHA) jur	isdiction (as defir	ned by 33 CFR part 329	9 in
the review area. Waters subject to the ebb and flow of	of the tide.					
\square Waters are presently used, or have b	peen used in the p	oast, or ma	y be susceptible for	r use to transport	t interstate or foreign	commerc
B. CWA SECTION 404 DETERMINATION	ON OF JURISDIC	TION				
There Are No "waters of the U.S." wi	thin Clean Water	Act (CWA)	jurisdiction (as def	ined by 33 CFR pa	art 328) in the review	
area. 1. Waters of the U.S.						
a. Indicate presence of water of U	.S. in review area	(Check all	the apply):			
TNWs (new)		•	,			
Wetlands adjacent to TNWs Relatively permanent waters	(RPWs) that flow	directly or	indirectly into TNW	/s		
Non-RPWs that flow directly o	or indirectly into T	NWs	•			
☐ Wetlands directly abutting RI				line atherina a TADA/	_	
Wetlands adjacent to but not				irectly into TNVV	S	
☐ Wetlands adjacent to non-RP\						
☐ Wetlands adjacent to non-RP☐ Impoundments of jurisdiction☐ Isolated (interstate or intrastate)		ding isolate	ed wetlands			
Impoundments of jurisdiction	ite) waters, includ	_				
☐ Impoundments of jurisdiction☐ Isolated (interstate or intrasta	ite) waters, includ	he review) and/or	Acres	

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
5A	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		☐ Vegetation
	Summarize rationale s	supporting determination:	
2.	Wetland adjacent to	TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows d		
✓ Tributary flows tl	hrough 5	tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:	
5A	

Project waters are 30	(or more)	river Miles from tributary to RPW:
Project waters are 30	(or more)	aerial (straight) miles from tributary to TNW:
Project waters are 30	(or more)	aerial (straight) miles from tributary to RPW:
Project waters cross or se	erve as state	boundaries. Explain:
Identify flow route to TN	W Generall	y to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tributary Characte	ristics	
Tributary is: Natural		Explain:
Tributary properties with r Average Width (ft): Average Depth (ft):	espect to to 4.41 1	p of bank (estimate):
Average Side Slopes:	2:1	
Primary tributary substra	te composit	ion (check all that apply):
☐ Silts ✓ Sands ☐ Cobbles ✓ Grave	s Co	oncrete
Tributary Condition/Stab	oility [e.g., hi	ghly eroding, sloughing banks. Explain: Stable
Presence of Run/Riffle/P	ool Complex	xes. Explain: None present.
Tributary Geometry:	Relatively	Straight
Tributary Gradient (appr	oximate ave	erage slope): 2%
() =		
(c) Flow:	F1	
Tributary Provides for: Ephemeral Estimate average number of flow ever		varea/vear
	emeral.	r dreaf year.
Other Information on Duration and V	olume:	
Surface Flow is: Confined		Characteristics:
Subsurface Flow: No		Explain:
\sqcup Dye (or other) test performed:		
Tributary Has (Check all that apply):		
✓ Bed and Banks		
✓ OHWM (check all the apply): OH		
☐ Clear, natural line impressed of the control of the con	on the bank	□ Presence of litter and debris☑ Destruction of terrestrial vegetation□ Presence of wrack line
✓ Vegetation matted down, ber		✓ Sediment sorting
Leaf litter disturbed or washeSediment deposition	u away	ScourMultiple observed or predicted flow events
☐ Water staining		Abrupt change in plant community
Other (list):		
☐ Discontinuous? Explain:		

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5A High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain:

(d) Proximity (Relationship) to TNW

Project Wetlands: River Miles from TNW:

Separated by berm/barrier

Project Wetlands: Aerial Miles from TNW: Flow is From:

Explain:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:	
5A	

(ii) Chemical Characteristics:

characteristics: ect.).	
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (check	call that apply):
☐ Riparian Buffer Characteristics (type, average	ge width):
Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
☐ Other environmentally-sensitive species	Explain:
☐ Aquatic/Wildlife Diversity Explain:	
Characteristics of all wetlands adjacent to the tributar	ry (if any)
All wetland(s) being considered in cumulative analysi	is:
Wetland acres in total being considered in cumulative	e analysis:
Describe each wetland (directly abuts tributary?: size	in acres: overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5A D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area:

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C..

Provide estimates for jurisdictional wetland in the review area (in acres):

7. Impoundments of jurisdictional waters.

Demonstration of Jurisdiction:

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

		U.S. Army Co	rps of Engineers	5A	
Supporting rationale:					
Length (linear feet):	Acres:				
F. NON-JURISDICTIONAL WATER	RS, INCLUDING	WETLANDS:			
Non-Jurisdictional Waters:	Waters do no is required fo	_	nificant Nexus" star	ndard, where such a finding	
Explain finding of no Significar	Analy more Analy within pollut affect not properties that the decrease of the	sis Area and the than insubstanti- sis Area and the the current Anatants, or contribute the chemical or rovide significant es population fout at of or the amoutiver, and do not gical integrity of the en the surface we	flowpath to the TNW all hydrologic connect downgradient TNW. I lysis Area do not eith te sediments at an arphysical integrity of thabitat or life cycles and within the TNW, ont of nutrient transpondies TNW. As such, the	eliminate the potential for a ion to exist between the The surface water features er contribute or filter mount or frequency that would he downstream TNW. They do upport functions for any lo not affect the aquatic ort to the TNW reach of the ubstantial effect on the ere is no significant nexus the current Analysis Area and features are not a	
MBR factors (i.e., presence of m professional judgment (check al	nigratory birds, programmer in that apply): livers, streams): MBR acronomic	resence of endan linear feet : res: waters in the rev	gered species, use of width (ft):	meet the "Significant Nexus" sta	using bes
				<u></u>	
✓ Non-wetland waters ☐ Other waters		linear feet (ft), acres	4.41 width (1	rt)	
☐ Wetlands		acres			
A. SUPPORTING DATA. Data revelocked and requested, appropr ✓ Maps, Plans, Plots or Plat Storm Data Sheets Prepared/Subn ☐ Office Concurs with data ☐ Office Does Not Concur	iately reference ubmitted by nitted by or on be a sheets/delineat	sources below): Applicant/Consehalf of Applicantion report	ultant: WestLand t/Consultant	Il be included in case file and, w Resources, Inc.	here
□ Data Sheets Prepared by th □ Corps Navigable Water Stud □ US Geological Survey Hydro □ USGS NHD Data	e Corps dy	у истешной тер			
USGS 8 and 12 digit HU	C Maps				
US Geological Survey Map(s)	s) Scale and	Quad Name:			

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5A ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
5B	

Thi

	APPROVED JURISDIC	TIONAL DETER	MINATION (JD):	May 15, 20	20
B. DISTRICT OFFICE, FILE NAME, AND	NUMBER: Los Ar	ngeles District,	File No. SPL-2016	-00547	
C. PROJECT LOCATION AND BACKGR	OUND INFORMATIO	N: Drainage	Feature 5B		
State: AZ County/Parish	/borough: Pinal C	ounty		City: Su	ıperior
Center coordinates of site: Lat.	33.30979°N	Long111.03	9659°W		
Name of nearest waterbody: Qu	een Creek				
Name of nearest Traditional Navigab Gila River between Powers But		nich the aquatio	resource flows:		
Name of watershed or Hydrologic Ur	nit Code (HUC):	15050100			
✓ Check if map/diagram of review a	re and/or potential juri	sdictional areas	is/are available upo	on request	
☐ Check if other sites (e.g, offsite mi different JD form.	tigation sites, disposal	sites, etc) are	associated with this	action and are	recorded on a
D. REVIEW PERFORMED FOR SITE EV	ALUATION (CHECK A	LL THAT APPL	Y):		
✓ Office (Desk) Determination. Date (s):	re: 06/05/2020				
SECTION II: SUMMARY OF FINDINGS					
A. RHA SECTION 10 DETERMINATION	ON OF JURISDICTION.				
There Are No "navigable waters of t the review area. Waters subject to the ebb and flow	ON OF JURISDICTION. the U.S." within Rivers a of the tide.	nd Harbors Act		·	·
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow Waters are presently used, or have	the U.S." within Rivers and of the tide. been used in the past,	nd Harbors Act or may be susc		·	·
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow waters are presently used, or have be compared to the second of the compared to the ebb and flow waters are presently used, or have be compared to the compared to the ebb and flow waters are presently used, or have be compared to the compared to	ton OF JURISDICTION. The U.S." within Rivers and of the tide. The been used in the past, TION OF JURISDICTION	nd Harbors Act or may be susc N	eptible for use to tr	ansport interst	ate or foreign commerc
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow Waters are presently used, or have B. CWA SECTION 404 DETERMINAT There Are No "waters of the U.S." waters.	ton OF JURISDICTION. The U.S." within Rivers and of the tide. The been used in the past, TION OF JURISDICTION	nd Harbors Act or may be susc N	eptible for use to tr	ansport interst	ate or foreign commerc
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow waters are presently used, or have been determined. B. CWA SECTION 404 DETERMINAT There Are No "waters of the U.S." waters. 1. Waters of the U.S.	the U.S." within Rivers and of the tide. The been used in the past, and of the tide. The been used in the past, and the past, and the tide.	nd Harbors Act or may be susc N (CWA) jurisdicti	eptible for use to tr on (as defined by 33	ansport interst	ate or foreign commerc
There Are No "navigable waters of the review area. Waters subject to the ebb and flow Waters are presently used, or have B. CWA SECTION 404 DETERMINAT There Are No "waters of the U.S." warea. 1. Waters of the U.S. a. Indicate presence of water of	the U.S." within Rivers and of the tide. The been used in the past, and of the tide. The been used in the past, and the past, and the tide.	nd Harbors Act or may be susc N (CWA) jurisdicti	eptible for use to tr on (as defined by 33	ansport interst	ate or foreign commerc
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow waters are presently used, or have waters are presently used. There Are No "waters of the U.S." waters. 1. Waters of the U.S. a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs	DN OF JURISDICTION. the U.S." within Rivers a of the tide. been used in the past, ION OF JURISDICTION within Clean Water Act U.S. in review area (Ch	nd Harbors Act or may be susc N (CWA) jurisdicti eck all the appl	eptible for use to tr on (as defined by 33	ansport interst	ate or foreign commerc
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow waters are presently used, or have waters are presently used. There Are No "waters of the U.S." waters. 1. Waters of the U.S. a. Indicate presence of water of TNWs (new)	DN OF JURISDICTION. the U.S." within Rivers at of the tide. the been used in the past, the past of the tide. TON OF JURISDICTION of the past of the tide. TON OF JURISDICTION of the past of the past of the tide. TON OF JURISDICTION of the past of the pas	nd Harbors Act or may be susc N (CWA) jurisdicti eck all the appl ctly or indirectly	eptible for use to tr on (as defined by 33	ansport interst	ate or foreign commerc
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow waters are presently used, or have waters of the U.S." waters of the U.S." waters of the U.S." waters of the U.S. 1. Waters of the U.S. a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting the second states of the U.S." waters of the U.S." wat	DN OF JURISDICTION. the U.S." within Rivers a of the tide. been used in the past, ION OF JURISDICTION within Clean Water Act U.S. in review area (Ch s (RPWs) that flow direct or indirectly into TNW RPWs that flow directly	or may be susce N (CWA) jurisdicti eck all the apple ctly or indirectly s y or indirectly in	eptible for use to troon (as defined by 33 y): rinto TNWs to TNWs	ansport interst	ate or foreign commerc
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow waters are presently used, or have become waters are presently used, or have become waters are presently used, or have become waters of the U.S." waters of the U.S." waters of the U.S. Are No "waters of the U.S." waters of the U.S." waters of the U.S. a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting the Wetlands adjacent to but not the waters wate	he U.S." within Rivers and of the tide. The been used in the past, TION OF JURISDICTION Within Clean Water Act U.S. in review area (Chaster) Or indirectly into TNW RPWs that flow directly of directly abutting RPV	or may be susce N (CWA) jurisdicti eck all the appl ctly or indirectly in /s that flow dires	eptible for use to troon (as defined by 33 y): into TNWs to TNWs ectly or indirectly into	ansport interst	ate or foreign commerc
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow waters are presently used, or have become waters are presently used, or have area. B. CWA SECTION 404 DETERMINATE There Are No "waters of the U.S." waters are area. 1. Waters of the U.S. a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting lands adjacent to but no Wetlands adjacent to non-R	he U.S." within Rivers and of the tide. be been used in the past, lion of Jurisdiction within Clean Water Act U.S. in review area (Chaster) s (RPWs) that flow directly or indirectly into TNW RPWs that flow directly of directly abutting RPW PWs that flow directly of the time of t	or may be susce N (CWA) jurisdicti eck all the appl ctly or indirectly in /s that flow dires	eptible for use to troon (as defined by 33 y): into TNWs to TNWs ectly or indirectly into	ansport interst	ate or foreign commerc
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow waters are presently used, or have become waters are presently used, or have become waters are presently used, or have become waters of the U.S." waters of the U.S." waters of the U.S. Are No "waters of the U.S." waters of the U.S." waters of the U.S. a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting the Wetlands adjacent to but not the waters wate	he U.S." within Rivers a or of the tide. be been used in the past, and the common of the tide. CION OF JURISDICTION of the Clean Water Act U.S. in review area (Chaster (Chaster (Chaster)) that flow directly or indirectly into TNW RPWs that flow directly abutting RPW PWs that flow directly on all waters	or may be susce N (CWA) jurisdicti eck all the appl ctly or indirectly in a continuous or indirectly in the continuous or indirectly into the continuous or individual or indirectly individual or individual or individual or individual or ind	eptible for use to troon (as defined by 33 y): into TNWs to TNWs ctly or indirectly into TNWs	ansport interst	ate or foreign commerc
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow waters are presently used, or have waters are presently used, or have waters are presently used, or have waters of the U.S." waters of the U.S." waters of the U.S. 1. Waters of the U.S. a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting waters of Wetlands adjacent to but no Wetlands adjacent to non-R Impoundments of jurisdiction	he U.S." within Rivers and of the tide. The been used in the past, TION OF JURISDICTION Within Clean Water Act U.S. in review area (Chaster or indirectly into TNW RPWs that flow directly of directly abutting RPW PWs that flow directly of mal waters tate) waters, including	or may be susce N (CWA) jurisdicti eck all the appl ctly or indirectly in y or indirectly in the indirectly into indirectly into indirectly into indirectly into isolated wetlan	eptible for use to troon (as defined by 33 y): into TNWs to TNWs ctly or indirectly into TNWs	ansport interst	ate or foreign commerc
A. RHA SECTION 10 DETERMINATION There Are No "navigable waters of the review area. Waters subject to the ebb and flow waters are presently used, or have waters are presently used, or have waters are presently used. Waters of the U.S." waters of the U.S." waters of the U.S. 1. Waters of the U.S. a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting Wetlands adjacent to but no Wetlands adjacent to non-R Impoundments of jurisdiction Isolated (interstate or intras	he U.S." within Rivers and of the tide. The been used in the past, TION OF JURISDICTION Within Clean Water Act U.S. in review area (Chaster or indirectly into TNW RPWs that flow directly of directly abutting RPW PWs that flow directly of mal waters tate) waters, including	or may be susce N (CWA) jurisdicti eck all the appl ctly or indirectly in y or indirectly in the indirectly into indirectly into indirectly into indirectly into isolated wetlan	eptible for use to troon (as defined by 33 y): into TNWs to TNWs ctly or indirectly into TNWs	ansport interst	ate or foreign commerc

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
5B	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	supporting determination:	
2.	Wetland adjacent to	D TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows o	lirectly to TNW	
✓ Tributary flows t	hrough 5	tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:	
5B	

Jose water	rs are 30 (or	more)	river ivilles	from tributa	TY LO INF VV.		
Project water	rs are 30 (or	more)	aerial (stra	ight) miles fr	om tributary	y to TNW:	
Project water	rs are 30 (or	more)	aerial (stra	ight) miles fr	om tributary	y to RPW:	
Project wate	rs cross or serve	as state l	boundaries.	Explain:			
Identify flow	route to TNW	Generally	y to Queen C	reek to East	Maricopa Fl	oodway to the	Gila River
(b) General Tributa	ary Characterist	ics					
Tributary is: N	latural		Explain:				
Average V Average D Average S Primary tribu Silts Cobble Bedro Tributary Co Presence of Tributary Ge	epth (ft): ide Slopes: tary substrate Sands Gravel Ck Substrat ndition/Stabilit Run/Riffle/Poo	composition Composition Competa y [e.g., high Complex delatively 5	on (check al increte ation Oth ghly eroding es. Explain: Straight	that apply): Mer, Explain:	uck	n: Stable	
(c) Flow: Tributary Provides for: Estimate average number Describe Flow Reg Other Information on Du	ime: Ephem	in review eral.	area/year:				
Surface Flow is:	Confined		Character	istics:			
Subsurface Flow:	No		Explain:				
\square Dye (or other) test	performed:						
Tributary Has (Check all t	hat apply):						
✓ Bed and Banks✓ OHWM (check all the	e apply): OHWI			_	of litter and o	debris ial vegetation	
☐ Clear, natural line ☐ Changes in soil ch ☐ Shelving ☐ Vegetation matte ☐ Leaf litter disturb ☐ Sediment deposit ☐ Water staining Other (list):	aracter d down, bent o ed or washed a			Presence of Sediment solution Scour Multiple o	of wrack line sorting bserved or p	redicted flow e	vents

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **5B** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW

Wetland Directly Abutting Non-TNW

Wetland Not Directly Abutting Non-TNW

Discrete wetland hydrologic connection Explain:

Ecological connection Explain:

Separated by berm/barrier Explain:

Proximity (Relationship) to TNW

Project Wetlands: River Miles from TNW:

Project Wetlands: Aerial Miles from TNW:

Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:	
5B	

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is cl characteristics: ect.).	lear, brown, oil film on surface; water quality; general watershed
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (chec	ck all that apply):
☐ Riparian Buffer Characteristics (type, avera	age width):
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive species	Explain:
Aquatic/Wildlife Diversity Explain:	
3. Characteristics of all wetlands adjacent to the tributa	ary (if any)
All wetland(s) being considered in cumulative analy	rsis:
Wetland acres in total being considered in cumulati	ive analysis:
Describe each wetland (directly abuts tributary?: siz	e in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **5B** D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area: 6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this

Demonstration of Jurisdiction:

Provide estimates for jurisdictional wetland in the review area (in acres):

conclusion is provided at Section III.C..

7. Impoundments of jurisdictional waters.

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

		U.S. Army C	orps of Engineers	5B	
Supporting rationale:					
Length (linear feet):	Acr	es:			
F. NON-JURISDICTIONAL WAT	ERS, INCLUDIN	NG WETLANDS:			
Non-Jurisdictional Waters:		not meet the "Si d for jurisdiction.	gnificant Nexus" stand	ard, where such a finding	
Provide acreage estimates for MBR factors (i.e., presence of professional judgment (check Non wetland-Waters (i.e.	An mo An wi po aff no sp ha Gil bio be the jur mon-jurisdiction migratory birds all that apply):	nalysis Area and the ore than insubstantalysis Area and the ithin the current Arollutants, or contributed the chemical of provide significant ecies population for the amount of the control of the contr	tial hydrologic connection of downgradient TNW. The halysis Area do not either oute sediments at an amour physical integrity of the habitat or life cycle support with habitat or life cycle support of nutrient transport thave a more than insubstitist TNW. As such, there water features within the W and, as such, these features within the water features wit	iminate the potential for a note to exist between the esurface water features contribute or filter unt or frequency that would downstream TNW. They do uport functions for any not affect the aquatice to the TNW reach of the estantial effect on the estantial effect on the estantial effect on the estantial effect on the atomical effect on the estantial effect on the	on is the
☐ Wetlands MBR acres Provide acreage estimates for	non-jurisdiction			eet the "Significant Nexus" st	tandard,
where such a finding is requir Non-wetland waters	-	on (check all that a	pply): 3.70 width (ft)		
Other waters	034.7	acres	3.70 width (1t)		
☐ Wetlands		acres			
l 					
A. SUPPORTING DATA. Data r checked and requested, appro Maps, Plans, Plots or Plat Data Sheets Prepared/Sul Office Concurs with data	priately referent Submitted by bmitted by or o	Applicant/Cor n behalf of Applica	: nsultant: WestLand R	be included in case file and, esources, Inc.	where
☐ Office Does Not Conc		•	port		
□ Data Sheets Prepared by□ Corps Navigable Water St□ US Geological Survey Hyd□ USGS NHD Data	tudy				
☐ USGS 8 and 12 digit F	HUC Maps				
✓ US Geological Survey Map	p(s) Scale a	nd Quad Name:			

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **5B** ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
5C	

Thi

A. REPORT COMPLETION DATE FOR A	APPROVED JURISDIC	CTIONAL DETERM	IINATION (JD):	May 15, 20	020
B. DISTRICT OFFICE, FILE NAME, AND	NUMBER: Los A	ngeles District, Fi	le No. SPL-2016-	00547	
C. PROJECT LOCATION AND BACKGR	OUND INFORMATIO	N: Drainage Fe	ature 5C		
State: AZ County/Parish		County		City: S	Superior
	33.30979°N	Long111.0396	559°W	,	•
	een Creek				
Name of nearest Traditional Navigabl Gila River between Powers But	•	hich the aquatic re	esource flows:		
Name of watershed or Hydrologic Un	it Code (HUC):	15050100			
Check if map/diagram of review are	e and/or potential jur	risdictional areas is,	/are available upoi	n request	
Check if other sites (e.g, offsite mit different JD form.	igation sites, disposal	sites, etc) are as	sociated with this a	action and ar	e recorded on a
D. REVIEW PERFORMED FOR SITE EV	ALUATION (CHECK	ALL THAT APPLY)	1		
Office (Desk) Determination. DatField Determination. Date(s):	e: 06/05/2020				
SECTION II: SUMMARY OF FINDINGS					
A. RHA SECTION 10 DETERMINATION					
There Are No "navigable waters of the review area. Waters subject to the ebb and flow	of the tide.				·
☐ Waters are presently used, or have	been used in the past	t, or may be suscep	tible for use to tra	nsport inters	tate or foreign commerce
B. CWA SECTION 404 DETERMINAT					
There Are No "waters of the U.S." waters of the U.S." waters	ithin Clean Water Act	: (CWA) jurisdiction	(as defined by 33	CFR part 328) in the review
1. Waters of the U.S.					
a. Indicate presence of water of the TNWs (new) Wetlands adjacent to TNWs Relatively permanent waters Non-RPWs that flow directly Wetlands directly abutting Full Wetlands adjacent to but no Wetlands adjacent to non-RI Impoundments of jurisdictio	(RPWs) that flow dire or indirectly into TNV RPWs that flow direct t directly abutting RP PWs that flow directly	ectly or indirectly ir Vs ly or indirectly into Ws that flow direct or indirectly into T	nto TNWs TNWs ly or indirectly into	o TNWs	
isolated (litterstate of littrasi					
b. Identify (estimate) size of water	ers of the U.S. in the i	review area			
·	Linear Feet		/idth (ft) and/or		Acres

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
5C	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	supporting determination:	
2.	Wetland adjacent to	TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows directly to TNW ✓ Tributary flows through 5		tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:		
5C		

Project water	rs are 30 (or more)	river Miles from tributary to RPW:
Project water	rs are 30 (or more)	aerial (straight) miles from tributary to TNW:
Project water	rs are 30 (or more)	aerial (straight) miles from tributary to RPW:
Project water	rs cross or serve as sta	ite boundaries. Explain:
Identify flow	route to TNW Gene	rally to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tributa	ary Characteristics	
Tributary is: N	latural	Explain:
Tributary prop Average V Average D	Vidth (ft): 4.86	top of bank (estimate):
Average S	ide Slopes: 2:1	
Primary tribu	itary substrate compo	sition (check all that apply):
☐ Silts ☐ Cobble ☐ Bedro	es 🗹 Gravel	Concrete
Tributary Co	ndition/Stability [e.g.	highly eroding, sloughing banks. Explain: Stable
Presence of	Run/Riffle/Pool Comp	lexes. Explain: None present.
Tributary Ge	eometry: Relativ	ely Straight
Tributary Gr	adient (approximate a	everage slope): 2%
(c) Flow:		
Tributary Provides for:	Ephemeral Flow	
Estimate average number Describe Flow Reg		ew area/year:
Other Information on Du	<u> </u>	
Other information on bu	nation and volume.	
Surface Flow is:	Confined	Characteristics:
Subsurface Flow:	No	Explain:
\Box Dye (or other) test	performed:	
Tributary Has (Check all t	hat apply)	
✓ Bed and Banks		
✓ OHWM (check all the	e apply): OHWM Indi	rators:
	e impressed on the ba	
✓ Changes in soil ch	naracter	✓ Destruction of terrestrial vegetation
	ed down, bent or abse	☐ Presence of wrack linent✓ Sediment sorting
Leaf litter disturb	ed or washed away	☐ Scour
✓ Sediment deposit	ion	Multiple observed or predicted flow events
☐ Water staining		☐ Abrupt change in plant community
Other (list):	κplain:	
	Apiaiii.	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5C High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:		
5C		

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is cle characteristics: ect.).	ear, brown, oil film on surface; water quality; general watershed
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (check	c all that apply):
Riparian Buffer Characteristics (type, avera	ge width):
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
Fish/Spawn Areas Explain:	
Other environmentally-sensitive species	Explain:
☐ Aquatic/Wildlife Diversity Explain:	
3. Characteristics of all wetlands adjacent to the tributa	ry (if any)
All wetland(s) being considered in cumulative analys	is:
Wetland acres in total being considered in cumulative	e analysis:
Describe each wetland (directly abuts tributary?; size	e in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands. then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5C D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area: 6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C..

Provide estimates for jurisdictional wetland in the review area (in acres):

7. Impoundments of jurisdictional waters.

Demonstration of Jurisdiction:

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

		U.S. Army Cor	ps of Engineers	5C	
Supporting rationale:					
Length (linear feet):	Acres:				
. NON-JURISDICTIONAL WATER	s, including	WETLANDS:			
Non-Jurisdictional Waters:	Waters do no is required fo		nificant Nexus" standa	ard, where such a finding	
Provide acreage estimates for no MBR factors (i.e., presence of mi professional judgment (check all Non wetland-Waters (i.e., riv Other Non-wetland Waters IIII) Wetlands MBR acres:	Analy more Analy withir pollut affect not properties of the design of the tapply): Vers, streams):	sis Area and the f than insubstantia sis Area and the c in the current Anal cants, or contribut the chemical or p rovide significant es population four at of or the amountiver, and do not he gical integrity of the een the surface wowngradient TNW ictional Waters.	I hydrologic connection owngradient TNW. The ysis Area do not either e sediments at an amount of the habitat or life cycle supped within the TNW, do not of nutrient transport ave a more than insubstis TNW. As such, there atter features within the fand, as such, these features warea, where the sole	minate the potential for a to exist between the surface water features contribute or filter unt or frequency that would downstream TNW. They do port functions for any not affect the aquatic to the TNW reach of the stantial effect on the is no significant nexus a current Analysis Area and atures are not a	
Provide acreage estimates for no where such a finding is required				et the "Significant Nexus" sta	andard,
✓ Non-wetland waters	531.82 l	inear feet (ft),	4.86 width (ft)		
☐ Other waters		acres			
☐ Wetlands	a	acres			
SECTION IV: DATA SOURCES					
A. SUPPORTING DATA. Data revi	•	• • •	- checked items shall b	e included in case file and, v	where
✓ Maps, Plans, Plots or Plat Su	-	Applicant/Const	ultant: WestLand Re	sources, Inc.	
✓ Data Sheets Prepared/Subm	itted by or on be	ehalf of Applicant	/Consultant		
Office Concurs with data		•			
Office Does Not Concur v	with data sheets	/delineation repo	rt		
☐ Data Sheets Prepared by the	Corps				
Corps Navigable Water Stud	У				
US Geological Survey Hydrol	ogic Atlas				
USGS NHD Data					
☐ USGS 8 and 12 digit HUC	Maps				
✓ US Geological Survey Map(s)	Scale and	Quad Name:			

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 5C ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
6	

This form should be completed	by following t	he instructions pr	ovided in Se	ction IV of the	JD Form Ins	tructiona	l Guidebook.
SECTION I: BACKGROUND IN	<u>IFORMATION</u>	<u>v</u>					
A. REPORT COMPLETION DA	TE FOR APPI	ROVED JURISDIC	TIONAL DE	TERMINATIO)N (JD):	May 15,	2020
B. DISTRICT OFFICE, FILE NA	ME, AND NU	MBER: Los A	ngeles Distr	ict, File No. S	SPL-2016-0	0547	
C. PROJECT LOCATION AND	BACKGROUN	ND INFORMATIO	N: Draina	ge Feature	6		
State: AZ Cour	nty/Parish/bor	ough: Pinal (County			City:	Superior
Center coordinates of site:	Lat. 33.3	0979°N	Long11:	L.039659°W			
Name of nearest waterbody	: Queen (Creek					
Name of nearest Traditiona Gila River between Po			hich the aqu	atic resource	flows:		
Name of watershed or Hydr	ologic Unit Co	ode (HUC):	15050100				
✓ Check if map/diagram of	review are an	ıd/or potential jur	isdictional ar	eas is/are ava	ilable upon	request	
☐ Check if other sites (e.g, of different JD form.	offsite mitigat	ion sites, disposal	sites, etc)	are associated	with this ac	ction and	are recorded on a
D. REVIEW PERFORMED FOR	R SITE EVALU	ATION (CHECK A	ALL THAT A	PPLY):			
Office (Desk) DeterminaField Determination.		06/05/2020					
SECTION II: SUMMARY OF FI A. RHA SECTION 10 DETERI		E ILIBISDICTION					
the review ar	ea.		and Harbors	Act (RHA) juri	sdiction (as	defined b	y 33 CFR part 329 in
☐ Waters subject to the ebb			or may he s	uscentible for	use to tran	snort inte	rstate or foreign commerce
B. CWA SECTION 404 DETE		•	-	asceptible for	use to truit	Sport mice	rature of foreign commerce
There Are No "waters of the control				liction (as defi	ned by 33 C	FR part 3	28) in the review
area. 1. Waters of the U.S.							
a. Indicate presence of	water of U.S.	in review area (Ch	neck all the a	pply):			
☐ TNWs (new) ☐ Wetlands adjacent	to TNWs						
☐ Relatively permane☐ Non-RPWs that flow	•	•	•	ectly into TNW	'S		
☐ Wetlands directly	-	-		y into TNWs			
☐ Wetlands adjacent		-		-	irectly into	TNWs	
		•	or indirectly	into TNWs			
☐ Isolated (interstate			isolated wet	lands			
b. Identify (estimate) si	ze of waters o	of the U.S. in the r	eview area				
Non-Wetlands water	S	Linear Feet		Width (ft)	and/or		Acres
Wetlands Acres:							
c. Limits (boundaries) o	of Jurisdiction	based on:					
2. Non-Regulated Waters/	Wetlands (ch	eck if applicable):					

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
6	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	upporting determination:	
2	Matlend edicacet	TNINA	

Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows o ✓ Tributary flows t		tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Fe	ature ID:		
6			

Project waters are	e 30 (or more)	river Miles from tributary to RPW:
Project waters are	e 30 (or more)	aerial (straight) miles from tributary to TNW:
Project waters are	e 30 (or more)	aerial (straight) miles from tributary to RPW:
Project waters cre	oss or serve as state	boundaries. Explain:
Identify flow rout	e to TNW General	ly to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tributary C	haracteristics	
Tributary is: Natur	al	Explain:
Tuibutanuanantia		on of hand (action ata).
Tributary propertie Average Width		p of bank (estimate):
Average Depth		
Average Side S		
Primary tributary	substrate composit	ion (check all that apply):
☐ Silts	✓ Sands □ C	oncrete
Cobbles	✓ Gravel	_
☐ Bedrock	Substrate - Veget	tation Other, Explain:
Tributary Condit	ion/Stability [e.g., h	ighly eroding, sloughing banks. Explain: Stable
Presence of Run,	/Riffle/Pool Comple	xes. Explain: None present.
Tributary Geome	etry: Relatively	Straight
Tributary Gradie	nt (approximate ave	erage slope): 2%
<u>Flow:</u> Tributary Provides for: Eph Estimate average number of f		v area/year:
Flow: ributary Provides for: Eph	low events in reviev Ephemeral.	v area/year:
Flow: Tributary Provides for: Ephestimate average number of formula Describe Flow Regime: Other Information on Duration	low events in reviev Ephemeral. on and Volume:	
Flow: Tributary Provides for: Eph Estimate average number of f Describe Flow Regime: Other Information on Duration Surface Flow is: Cor	low events in reviev Ephemeral.	Characteristics:
Flow: Tributary Provides for: Ephestimate average number of formula Describe Flow Regime: Other Information on Duration	low events in reviev Ephemeral. on and Volume:	
Flow: Tributary Provides for: Eph Estimate average number of f Describe Flow Regime: Other Information on Duration Surface Flow is: Cor	low events in review Ephemeral. on and Volume: nfined	Characteristics:
Flow: Tributary Provides for: Ephestimate average number of for Describe Flow Regime: Other Information on Duration of Durat	low events in review Ephemeral. on and Volume: infined formed:	Characteristics:
Flow: Tributary Provides for: Ephestimate average number of for Describe Flow Regime: Other Information on Duration of Durat	low events in review Ephemeral. on and Volume: infined formed:	Characteristics:
Flow: Tributary Provides for: Ephestimate average number of for Describe Flow Regime: Other Information on Duration of Durat	low events in review Ephemeral. on and Volume: offined formed: apply):	Characteristics: Explain:
Flow: Tributary Provides for: Ephestimate average number of for Describe Flow Regime: Other Information on Duration Gurface Flow is: Consubsurface Flow: No Dye (or other) test performation on Duration on Du	low events in review Ephemeral. on and Volume: Infined formed: apply): ply): OHWM Indicat	Characteristics: Explain:
Flow: Tributary Provides for: Ephestimate average number of for Describe Flow Regime: Other Information on Duration of Durat	low events in review Ephemeral. on and Volume: Infined formed: apply): ply): OHWM Indicatoressed on the bank	Characteristics: Explain:
Flow: Tributary Provides for: Ephistimate average number of for Describe Flow Regime: Other Information on Duration on Durati	low events in review Ephemeral. on and Volume: infined formed: apply): ply): OHWM Indicatoressed on the bank exter	Characteristics: Explain: Ors: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line
Flow: Tributary Provides for: Ephestimate average number of for Describe Flow Regime: Other Information on Durations of the Information of the Information of	low events in review Ephemeral. on and Volume: offined formed: apply): ply): OHWM Indicatoressed on the bank exter own, bent or absent	Characteristics: Explain: Ors: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line Sediment sorting
Flow: Tributary Provides for: Ephestimate average number of for Describe Flow Regime: Other Information on Duration Gurface Flow is: Corributary Flow: No Dye (or other) test performation on Duration Tributary Has (Check all that and Banks OHWM (check all the appendix of Changes in soil characters) Shelving Vegetation matted do Leaf litter disturbed o	low events in review Ephemeral. on and Volume: offined formed: apply): ply): OHWM Indicatoressed on the bank exter own, bent or absent	Characteristics: Explain: Ors: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line Sediment sorting Scour
Flow: Tributary Provides for: Ephestimate average number of for Describe Flow Regime: Other Information on Durations of the Information of the Information of	low events in review Ephemeral. on and Volume: offined formed: apply): ply): OHWM Indicatoressed on the bank exter own, bent or absent	Characteristics: Explain: Ors: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line Sediment sorting
Flow: Tributary Provides for: Eph Estimate average number of f Describe Flow Regime: Other Information on Duration Gurface Flow is: Corr Eubsurface Flow: No Dye (or other) test per Tributary Has (Check all that all Bed and Banks OHWM (check all the app Clear, natural line imp Changes in soil charact Shelving Vegetation matted do Vegetation matted do Sediment deposition	low events in review Ephemeral. on and Volume: offined formed: apply): ply): OHWM Indicatoressed on the bank exter own, bent or absent	Characteristics: Explain: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line Sediment sorting Scour Multiple observed or predicted flow events

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 6 High tide line indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW: Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:	
6	

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is cle characteristics: ect.).	ear, brown, oil film on surface; water quality; general watershed
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (chec	k all that apply):
☐ Riparian Buffer Characteristics (type, avera	ge width):
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive species	Explain:
☐ Aquatic/Wildlife Diversity Explain:	
3. Characteristics of all wetlands adjacent to the tributa	ry (if any)
All wetland(s) being considered in cumulative analys	sis:
Wetland acres in total being considered in cumulation	ve analysis:
Describe each wetland (directly abuts tributary?; size	e in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 6 D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area: 6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.. Provide estimates for jurisdictional wetland in the review area (in acres):

7. Impoundments of jurisdictional waters.

Demonstration of Jurisdiction:

APPROVED JURISDICTIONAL DETERMINATION FORM

	APPROVE	D JURISDICTION	CTIONAL DETERMINATION FORM Feature ID:		
		U.S. Army Co	rps of Engineers	6	
Supporting rationale:					
Length (linear feet):	Acres	:			
F. NON-JURISDICTIONAL WATER	S, INCLUDING	WETLANDS:			
Non-Jurisdictional Waters:	Waters do n	ot meet the "Sig	nificant Nexus" standard, whe	re such a finding	
	is required fo	or jurisdiction.			
-	Analymore Analymore Analymore withi pollu affect not p spect habit Gilat biolo betw the c jurise on-jurisdictiona igratory birds, p	ysis Area and the e than insubstanti ysis Area and the in the current Analtants, or contribut the chemical or provide significant ies population for the amout after and do not or the surface who was a likely and the surface who was	the surface water features within flowpath to the TNW eliminate that hydrologic connection to exist downgradient TNW. The surface alysis Area do not either contributive sediments at an amount or free physical integrity of the downstree habitat or life cycle support fund within the TNW, do not affect and of nutrient transport to the TN have a more than insubstantial eithis TNW. As such, there is no sign water features within the current W and, as such, these features are view area, where the sole potential gered species, use of water for in	ne potential for a between the water features te or filter equency that would eam TNW. They do ctions for any the aquatic NW reach of the ffect on the nificant nexus Analysis Area and e not a	
\square Non wetland-Waters (i.e., riv	vers, streams):	linear feet :	width (ft):		
\Box Other Non-wetland Waters	MBR ac	cres:			
\square Wetlands MBR acres:					
Provide acreage estimates for no where such a finding is required	-		view area that do not meet the "S ply):	ignificant Nexus" sta	andard,
✓ Non-wetland waters	248.91	linear feet (ft),	3.87 width (ft)		
Other waters		acres			
☐ Wetlands		acres			
SECTION IV: DATA SOURCES A. SUPPORTING DATA. Data reviewed and requested, appropri	-		y - checked items shall be include	ed in case file and, v	vhere
✓ Maps, Plans, Plots or Plat Su	-	Applicant/Cons	sultant: WestLand Resources,	Inc.	
✓ Data Sheets Prepared/Subm	itted by or on b	ehalf of Applican	t/Consultant		
Office Concurs with data		•			
☐ Office Does Not Concur		s/delineation rep	ort		
☐ Data Sheets Prepared by the☐ Corps Navigable Water Stud	-				
☐ US Geological Survey Hydrol	-				
USGS NHD Data	ogic Atlas				
USGS 8 and 12 digit HU	C Mans				
✓ US Geological Survey Map(s)	•	Quad Name:			

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 6 ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Additional Comments to Support JD:

Other Information, Please Specify:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:		
7		

This form sl	nould be completed by foll	owing the instructions pr	ovided i	in Section IV of the	JD Form I	nstructiona	ll Guidebook.	
	BACKGROUND INFORM							
A. REPORT	COMPLETION DATE FO	R APPROVED JURISDIC	TIONA	L DETERMINATIO	ON (JD):	May 15,	2020	
B. DISTRIC	T OFFICE, FILE NAME, A	ND NUMBER: Los A	ngeles	District, File No. S	SPL-2016-	00547		
C. PROJEC	T LOCATION AND BACK	GROUND INFORMATIO	N: Dr	ainage Feature	7			
State:	AZ County/Par	ish/borough: Pinal (County			City:	Superior	
Center	coordinates of site: Lat.	33.30979°N	Long.	-111.039659°W				
Name o	f nearest waterbody:	Queen Creek						
	f nearest Traditional Navig ila River between Powers B		hich the	e aquatic resource	flows:			
Name o	f watershed or Hydrologic	Unit Code (HUC):	15050	100				
✓ Chec	k if map/diagram of review	v are and/or potential jur	isdiction	nal areas is/are ava	ilable upo	n request		
	k if other sites (e.g, offsite rent JD form.	mitigation sites, disposal	sites, et	c) are associated	d with this	action and	are recorded	on a
D. REVIEW	PERFORMED FOR SITE	EVALUATION (CHECK A	ALL THA	AT APPLY):				
	ce (Desk) Determination. [dd Determination.]							
	: SUMMARY OF FINDING							
A. RHA S	ECTION 10 DETERMINAT	TION OF JURISDICTION	•					
There Are		of the U.S." within Rivers a	and Har	bors Act(RHA) jur	isdiction (a	s defined b	by 33 CFR par	t 329 in
\square Wate	the review area. rs subject to the ebb and fl	ow of the tide.						
\square Wate	rs are presently used, or ha	eve been used in the past	, or may	be susceptible for	r use to tra	insport inte	erstate or for	eign commerce
B. CWA S	SECTION 404 DETERMINA	ATION OF JURISDICTIO	N					
There	Are No "waters of the U.S.	" within Clean Water Act	(CWA) j	jurisdiction (as def	ined by 33	CFR part 3	28) in the rev	⁄iew
1 Wat	area. ers of the U.S.							
	ers of the O.S. Idicate presence of water of the Communication (Incompared to the Communication (I	of U.S. in review area (Ch	neck all	the apply):				
	Wetlands adjacent to TNV Relatively permanent wat Non-RPWs that flow direc Wetlands directly abuttin Wetlands adjacent to but	ers (RPWs) that flow directly or indirectly into TNW ag RPWs that flow directly	/s y or ind	irectly into TNWs		o TNWs		
	Wetlands adjacent to non Impoundments of jurisdic Isolated (interstate or intr	-RPWs that flow directly tional waters	or indir	ectly into TNWs	,			
b. Id	lentify (estimate) size of w	aters of the U.S. in the r	eview a	rea				
N	Ion-Wetlands waters	Linear Feet		Width (ft) and/or		Acres	
V	Vetlands Acres:							
c. L	imits (boundaries) of Juris	diction based on:						
2. Non	-Regulated Waters/Wetlar	nds (check if applicable):						

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
7	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	upporting determination:	
2.	Wetland adjacent to	TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows d			
✓ Tributary flows tl	hrough 5	tributaries before entering TN	
Project waters are	30 (or more)	river miles from TNW	

Feature ID:	
7	

Project wa	ters are 30 (or	r more)	river Miles from tributary to RPW:
Project wa	ers are 30 (or	r more)	aerial (straight) miles from tributary to TNW:
Project wa	ers are 30 (or	r more)	aerial (straight) miles from tributary to RPW:
Project wa	ers cross or serv	e as state b	ooundaries. Explain:
Identify flo	w route to TNW	Generally	to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tribu	tary Characteris	tics	
Tributary is:	Natural		Explain:
Average Average Average Primary tri Silts Cobl Bedi Tributary (Presence of	Width (ft): Depth (ft): Side Slopes: Dutary substrate Sands Dles Gravel Tock Substrate Condition/Stability Of Run/Riffle/Poo	3.07 1 2:1 compositio Conte - Vegetat ty [e.g., high I Complexe Relatively S	hly eroding, sloughing banks. Explain: Stable es. Explain: None present. Straight
(c) Flow: Tributary Provides for: Estimate average numb Describe Flow R	egime: Ephen	in review a neral.	area/year:
Other Information on I	Ouration and Vol	ume:	
Surface Flow is:	Confined		Characteristics:
Subsurface Flow:	No		Explain:
\Box Dye (or other) to	est performed:		
Tributary Has (Check a	I that apply):		
 ✓ Bed and Banks ✓ OHWM (check all the properties of the propertie	the apply): OHW ne impressed on character ted down, bent of tbed or washed a	the bank or absent	rs: ☐ Presence of litter and debris ☐ Destruction of terrestrial vegetation ☐ Presence of wrack line ☐ Sediment sorting ☐ Scour ☐ Multiple observed or predicted flow events ☐ Abrupt change in plant community
Other (list): Discontinuous?	Explain:		

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7 High tide line indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW: Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:		
7		

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quali characteristics: ect.).	ty; general watershe
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (check all that apply):	
Riparian Buffer Characteristics (type, average width):	
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive species Explain:	
Aquatic/Wildlife Diversity Explain:	
3. Characteristics of all wetlands adjacent to the tributary (if any)	
All wetland(s) being considered in cumulative analysis:	
Wetland acres in total being considered in cumulative analysis:	
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or p	hysical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands. then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7 D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area: 6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent

Demonstration of Jurisdiction:

and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this

Provide estimates for jurisdictional wetland in the review area (in acres):

conclusion is provided at Section III.C..

7. Impoundments of jurisdictional waters.

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

		U.S. Army Co	rps of Engineers	7	
Supporting rationale:					
Length (linear feet):	Acres:				
F. NON-JURISDICTIONAL WATE	RS, INCLUDING	WETLANDS:			
Non-Jurisdictional Waters:	Waters do no is required fo	_	nificant Nexus" st	andard, where such a finding	
Explain finding of no Significat	Analy more Analy within pollut affect not properties habita Gila R biolog between the documents of the docum	sis Area and the than insubstantisis Area and the the current Anatants, or contribute the chemical or rovide significantes population found of or the amouniver, and do not gical integrity of the en the surface we	flowpath to the TNV all hydrologic connection downgradient TNW allysis Area do not either sediments at an applysical integrity of habitat or life cycle and within the TNW, ant of nutrient trans have a more than in this TNW. As such, the flow all the flow atter features withing the sediment of the flow and the flow and the flow atter features withing the flow and the flow and the flow atter features withing the flow and the flow atter flow attended at the flow attended a	atures within the current IV eliminate the potential for a ction to exist between the The surface water features ther contribute or filter amount or frequency that would the downstream TNW. They do support functions for any do not affect the aquatic port to the TNW reach of the substantial effect on the here is no significant nexus the current Analysis Area and e features are not a	
MBR factors (i.e., presence of n professional judgment (check a Non wetland-Waters (i.e., n Other Non-wetland Waters Wetlands MBR acres:	nigratory birds, pr Il that apply): rivers, streams): s MBR acr	resence of endan linear feet : res: waters in the rev	gered species, use of width (for simple width (for simple width area that do no	e sole potential basis of jurisdiction of water for irrigated agriculture), ut:	using bes
	-			(L)	
✓ Non-wetland waters Other waters		linear feet (ft), acres	3.07 width	(π)	
Wetlands		acres			
SECTION IV: DATA SOURCES A. SUPPORTING DATA. Data rechecked and requested, approp ✓ Maps, Plans, Plots or Plat S ✓ Data Sheets Prepared/Subi ☐ Office Concurs with dat ☐ Office Does Not Concurs	riately reference ubmitted by mitted by or on be a sheets/delineat	sources below): Applicant/Consehalf of Applicantion report	ultant: WestLar t/Consultant	nall be included in case file and, want not reasources, Inc.	here
□ Data Sheets Prepared by th □ Corps Navigable Water Stu □ US Geological Survey Hydro □ USGS NHD Data	ne Corps dy	, defined to the position repo			
☐ USGS 8 and 12 digit HU	·				
✓ US Geological Survey Map(s) Scale and	Quad Name:			

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7 ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
7B	

This form sh	nould be completed by fol	lowing the instructions pr	ovided	in Section IV of the	JD Form I	nstructiona	al Guidebook.	
,	BACKGROUND INFORM							
A. REPORT	COMPLETION DATE FO	OR APPROVED JURISDIC	CTIONA	L DETERMINATIO	ON (JD):	May 15,	2020	
B. DISTRIC	T OFFICE, FILE NAME, A	AND NUMBER: Los A	ngeles	District, File No. S	SPL-2016-	00547		
C. PROJEC	T LOCATION AND BACK	GROUND INFORMATIO	N: Dr	ainage Feature	7B			
State:	AZ County/Pa	rish/borough: Pinal (County			City:	Superior	
Center o	coordinates of site: Lat.	33.30979°N	Long.	-111.039659°W				
Name o	f nearest waterbody:	Queen Creek						
	f nearest Traditional Navig ila River between Powers		hich the	e aquatic resource	flows:			
Name o	f watershed or Hydrologic	: Unit Code (HUC):	15050	100				
✓ Chec	k if map/diagram of review	w are and/or potential jur	isdiction	nal areas is/are ava	ilable upo	n request		
	k if other sites (e.g, offsite ent JD form.	mitigation sites, disposal	sites, e	tc) are associated	with this	action and	are recorded	l on a
D. REVIEW	PERFORMED FOR SITE	EVALUATION (CHECK A	ALL THA	AT APPLY):				
	ce (Desk) Determination. d Determination. Date(s)							
SECTION II	: SUMMARY OF FINDIN	<u>IGS</u>						
A. RHA SI	ECTION 10 DETERMINA	TION OF JURISDICTION	l .					
There Are	-	of the U.S." within Rivers	and Har	bors Act(RHA) jur	isdiction (a	s defined l	by 33 CFR par	t 329 in
☐ Water	the review area. rs subject to the ebb and f	low of the tide.						
☐ Water	rs are presently used, or h	ave been used in the past	, or may	be susceptible for	use to tra	insport inte	erstate or for	eign commerce
B. CWA S	ECTION 404 DETERMIN	ATION OF JURISDICTIO	N					
There	Are No "waters of the U.S	." within Clean Water Act	(CWA)	jurisdiction (as defi	ned by 33	CFR part 3	28) in the rev	/iew
1 Wate	area. ers of the U.S.							
	ers of the 0.3. Idicate presence of water	of U.S. in review area (Cl	heck all	the apply):				
	TNWs (new)			с арр.уу.				
	Wetlands adjacent to TN Relatively permanent wa	Ws ters (RPWs) that flow dire	ectly or i	ndirectly into TNW	's			
		ctly or indirectly into TNW						
		ng RPWs that flow direct t not directly abutting RP\			irectly into	o TNWs		
	Wetlands adjacent to no	n-RPWs that flow directly		· · · · · · · · · · · · · · · · · · ·	,			
	Impoundments of jurisdiction in the large state of	ctional waters rastate) waters, including	isolate	d wetlands				
b. Id	lentify (estimate) size of v	_						
	Ion-Wetlands waters	Linear Feet		Width (ft	and/or		Acres	
V	Vetlands Acres:							
c. li	imits (boundaries) of Juri	sdiction based on:						
	-Regulated Waters/Wetla							
2. NUII-	-negulated waters/ wella	inas (check ii applicable):						

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
7B	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	upporting determination:	
2	Wetland adjacent to	TNIM	

Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows d ✓ Tributary flows th	•	tributaries before entering TNV
Project waters are	30 (or more)	river miles from TNW

Fea	ture ID:		
7B			

Project water	ers are 30 (or more)	river Miles from tributary to RPW:
Project wate	ers are 30 (or more)	aerial (straight) miles from tributary to TNW:
Project wate	ers are 30 (or more)	aerial (straight) miles from tributary to RPW:
Project water	ers cross or serve as state	e boundaries. Explain:
Identify flow	route to TNW General	lly to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tribut	tary Characteristics	
Tributary is:	Natural	Explain:
Average Average Average Primary trib Silts Cobb Bedro Tributary C Presence o Tributary G	✓ Sands ☐ Colles ✓ Gravel Ock ☐ Substrate - Vegen ondition/Stability [e.g., heads for the collection of the collectio	tion (check all that apply): Concrete
c) Flow: Tributary Provides for: Estimate average numbe	Ephemeral Flow er of flow events in review	w area/year:
Describe Flow Re	gime: Ephemeral.	
Other Information on D	uration and Volume:	
Surface Flow is:	Confined	Characteristics:
Subsurface Flow:	No	Explain:
Dye (or other) tes		Explain.
□ bye (or other) tes	t periorineu.	
Tributary Has (Check all	that apply):	
✓ Bed and Banks✓ OHWM (check all the	ne apply): OHWM Indicat	tors:
☐ Clear, natural lin✓ Changes in soil c☐ Shelving✓ Vegetation matt	e impressed on the bank haracter ed down, bent or absent bed or washed away	✓ Presence of litter and debris✓ Destruction of terrestrial vegetation✓ Presence of wrack line
	xplain:	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7B** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW:

Project Wetlands: Aerial Miles from TNW:

Estimate approximate Location of Wetland within Floodplain:

Flow is From:

Feature ID:	
7B	

(ii)	Chemical	Charact	teristics
------	----------	---------	-----------

characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general characteristics: ect.).	i watersne
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (check all that apply):	
Riparian Buffer Characteristics (type, average width):	
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive species Explain:	
Aquatic/Wildlife Diversity Explain:	
3. Characteristics of all wetlands adjacent to the tributary (if any)	
All wetland(s) being considered in cumulative analysis:	
Wetland acres in total being considered in cumulative analysis:	
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical fur	nctions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands. then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7B** D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area:

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.Wetlands adjacent to such waters, and have when considered in combination

☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C..

Provide estimates for jurisdictional wetland in the review area (in acres):

7. Impoundments of jurisdictional waters.

|--|

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

U.S. Army Corps of Engineers **7B** Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): ☐ Non wetland-Waters (i.e., rivers, streams): linear feet : width (ft): Other Non-wetland Waters MBR acres: ☐ Wetlands MBR Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 414.55 linear feet (ft), 3.92 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. ✓ Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant ☐ Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report ☐ Data Sheets Prepared by the Corps Corps Navigable Water Study ☐ US Geological Survey Hydrologic Atlas ☐ USGS NHD Data ☐ USGS 8 and 12 digit HUC Maps ✓ US Geological Survey Map(s) Scale and Quad Name:

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7B** ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U

			_	
J.S.	Armv	Corps	of	Engineers

Feature ID:		
7C		

This form sh	ould be completed by fol	lowing the instructions pr	ovided	in Section IV of the	JD Form li	nstructiona	ıl Guidebook.	
,	BACKGROUND INFORM	<u></u>						
A. REPORT	COMPLETION DATE FO	OR APPROVED JURISDIC	CTIONA	L DETERMINATIO)N (JD):	May 15,	2020	
B. DISTRICT	Γ OFFICE, FILE NAME, A	AND NUMBER: Los A	ngeles	District, File No. S	PL-2016-	00547		
C. PROJECT	LOCATION AND BACK	GROUND INFORMATIO	N: Dr	ainage Feature	7C			
State:	AZ County/Pa	rish/borough: Pinal (County			City:	Superior	
Center c	oordinates of site: Lat.	33.30979°N	Long.	-111.039659°W				
Name of	nearest waterbody:	Queen Creek						
	nearest Traditional Navig a River between Powers	gable Water (TNW) into w Butte and Gillespie Dam	hich the	e aquatic resource	flows:			
Name of	watershed or Hydrologic	: Unit Code (HUC):	15050	100				
✓ Check	k if map/diagram of review	w are and/or potential jur	isdiction	nal areas is/are ava	ilable upo	n request		
	if other sites (e.g, offsite ent JD form.	mitigation sites, disposal	sites, e	c) are associated	with this	action and	are recorded	on a
D. REVIEW	PERFORMED FOR SITE	EVALUATION (CHECK A	ALL THA	AT APPLY):				
	e (Desk) Determination. Determination. Date(s)							
	: SUMMARY OF FINDIN							
A. RHA SE	ECTION 10 DETERMINA	TION OF JURISDICTION	l .					
There Are		of the U.S." within Rivers	and Har	bors Act (RHA) jur	isdiction (a	s defined l	oy 33 CFR par	t 329 in
☐ Water	the review area. s subject to the ebb and f	low of the tide.						
☐ Water	s are presently used, or h	ave been used in the past	, or may	be susceptible for	use to tra	nsport inte	erstate or fore	eign commerce
B. CWA SI	ECTION 404 DETERMIN	ATION OF JURISDICTIO	N					
There #	Are No "waters of the U.S	." within Clean Water Act	(CWA)	jurisdiction (as defi	ned by 33	CFR part 3	28) in the rev	view .
1 Wate	area. ers of the U.S.							
		of U.S. in review area (Cl	heck all	the apply):				
	TNWs (new)							
	Wetlands adjacent to TN Relatively permanent wa	Ws ters (RPWs) that flow dire	ectly or i	ndirectly into TNW	's			
		ctly or indirectly into TNW						
		ng RPWs that flow direct t not directly abutting RP\			irectly into	o TNWs		
	Wetlands adjacent to no	n-RPWs that flow directly		· · · · · · · · · · · · · · · · · · ·	•			
	Impoundments of jurisdi- Isolated (interstate or int	ctional waters rastate) waters, including	isolate	d wetlands				
	•	waters of the U.S. in the r						
	on-Wetlands waters	Linear Feet		Width (ft)	and/or		Acres	
W	/etlands Acres:							
c. li	mits (boundaries) of Juri	sdiction based on:						
	•	inds (check if applicable):						
Z. NUII-	negulated waters/ welld	mas (check if applicable):						

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
7C	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	upporting determination:	
2	Wetland adjacent to	TNIM	

wetiang adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows d		
✓ Tributary flows tl	hrough 5	tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:	
7C	

Project waters	are 30 (or more)	river Miles from tributary to RPW:	
Project waters are 30 (or more) aerial (straight) miles from tributary to TNW:			
Project waters	are 30 (or more)	aerial (straight) miles from tributary to RPW:	
Project waters	cross or serve as state	e boundaries. Explain:	
Identify flow re	oute to TNW General	lly to Queen Creek to East Maricopa Floodway to the Gila River	
		· · ·	
(b) General Tributar			
Tributary is: Na	turai	Explain:	
Average Wi Average De Average Sid	pth (ft): 1 le Slopes: 2:1 ary substrate composit	op of bank (estimate): ition (check all that apply): Concrete	
☐ Cobbles ☐ Bedrock	Gravel ☐ Substrate - Veget	etation Other, Explain:	
		nighly eroding, sloughing banks. Explain: Stable	
Presence of R	un/Riffle/Pool Comple	exes. Explain: None present.	
Tributary Geo	metry: Relatively	y Straight	
Tributary Gra	dient (approximate ave	rerage slope): 2%	
Estimate average number of		w area/year:	
Describe Flow Regir Other Information on Dura	-		
Other information on Dan	ation and volume.		
Surface Flow is:	Confined	Characteristics:	
Subsurface Flow:	No	Explain:	
\Box Dye (or other) test $\mathfrak p$	performed:		
Changes in soil chaShelving	apply): OHWM Indicat mpressed on the bank racter down, bent or absent d or washed away	Presence of litter and debris ✓ Destruction of terrestrial vegetation ☐ Presence of wrack line	
Other (list):	lain:	Abrupt change in plant community	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7C** High tide line indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Flow is From:

Estimate approximate Location of Wetland within Floodplain:

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is cl characteristics: ect.).	ear, brown, oil film on surface; water quality; general watershed
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (chec	ck all that apply):
☐ Riparian Buffer Characteristics (type, avera	age width):
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive species	Explain:
Aquatic/Wildlife Diversity Explain:	
3. Characteristics of all wetlands adjacent to the tributa	ary (if any)
All wetland(s) being considered in cumulative analy	sis:
Wetland acres in total being considered in cumulati	ive analysis:
Describe each wetland (directly abuts tributary?: siz	e in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7C** D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area: 6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent

Demonstration of Jurisdiction:

and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this

Provide estimates for jurisdictional wetland in the review area (in acres):

conclusion is provided at Section III.C..

7. Impoundments of jurisdictional waters.

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

	U.S. Army Corps of Engineers 7C
Supporting rationale: Length (linear feet):	Acres:
F. NON-JURISDICTIONAL WATER	S, INCLUDING WETLANDS:
Non-Jurisdictional Waters:	Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction.
MBR factors (i.e., presence of mi professional judgment (check all Non wetland-Waters (i.e., riv Other Non-wetland Waters N	Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. In-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the gratory birds, presence of endangered species, use of water for irrigated agriculture), using best that apply): Width (ft):
-	n-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, for jurisdiction (check all that apply):
✓ Non-wetland waters	449.71 linear feet (ft), 2.20 width (ft)
Other waters	acres
☐ Wetlands	acres
SECTION IV: DATA SOURCES	
checked and requested, appropria ✓ Maps, Plans, Plots or Plat Sul ✓ Data Sheets Prepared/Subm ☐ Office Concurs with data ☐ Office Does Not Concur with a Sheets Prepared by the Corps Navigable Water Study ☐ US Geological Survey Hydrology ☐ USGS NHD Data	omitted by Applicant/Consultant: WestLand Resources, Inc. Itted by or on behalf of Applicant/Consultant Sheets/delineation report Orps Ogic Atlas
USGS 8 and 12 digit HUC✓ US Geological Survey Map(s)	Scale and Quad Name:

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7C** ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
7D	

Thi

This form should be complete	ed by follow	ing the instructio	ns provided	in Section IV of the	JD Form Inst	ructiona	ll Guidebook.
SECTION I: BACKGROUND		<u>-</u>					
A. REPORT COMPLETION I	DATE FOR	APPROVED JURI	SDICTION	AL DETERMINATIO	ON (JD):	Иау 15,	2020
B. DISTRICT OFFICE, FILE N	IAME, AND	NUMBER:	os Angeles	District, File No.	SPL-2016-00	547	
C. PROJECT LOCATION AN	D BACKGR	OUND INFORM	ATION: D	rainage Feature	7D		
State: AZ Co	unty/Parish	/borough: P	inal County			City:	Superior
Center coordinates of site	e: Lat.	33.30979°N	Long.	-111.039659°W			
Name of nearest waterbo	ody: Qu	een Creek					
Name of nearest Tradition Gila River between		•		e aquatic resource	flows:		
Name of watershed or Hy	drologic Ur	it Code (HUC):	1505	0100			
✓ Check if map/diagram	of review a	re and/or potenti	al jurisdictio	onal areas is/are ava	ailable upon r	equest	
☐ Check if other sites (e. different JD form.	g, offsite mi	tigation sites, disp	oosal sites, e	etc) are associated	d with this act	ion and	are recorded on a
D. REVIEW PERFORMED F	OR SITE EV	ALUATION (CHE	CK ALL TH	AT APPLY):			
Office (Desk) DetermiField Determination.		e: 06/05/2020					
SECTION II: SUMMARY OF A. RHA SECTION 10 DETE			ΓΙΟΝ.				
the review Waters subject to the e	area. bb and flow	of the tide.					oy 33 CFR part 329 in erstate or foreign commerce
B. CWA SECTION 404 DE	TERMINAT	ION OF JURISDI	CTION				
There Are No "waters o area. 1. Waters of the U.S.	f the U.S." v	vithin Clean Wate	r Act (CWA)	jurisdiction (as def	ined by 33 CF	R part 3	28) in the review
☐ Non-RPWs that f☐ Wetlands directl☐ Wetlands adjace☐ Wetlands adjace☐ Impoundments o	nt to TNWs nent water: low directly y abutting l nt to but no nt to non-R of jurisdictio	s (RPWs) that flow or indirectly into RPWs that flow d ot directly abutting PWs that flow dire anal waters	v directly or TNWs irectly or in g RPWs that ectly or indi	indirectly into TNW directly into TNWs flow directly or ind rectly into TNWs		NWs	
		tate) waters, inclu	_				
b. Identify (estimate)Non-Wetlands wat		ers of the U.S. in Linear Fe		area Width (ft) and/or		Acres
Wetlands Acres:		Lilledi Fe		vviutii (it	, and or		ACIES
c. Limits (boundaries 2. Non-Regulated Water			ble):				

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
7D	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	upporting determination:	
2.	Wetland adjacent to	TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows d ☑ Tributary flows tl		tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:	
7D	

Project water	s are 30 (or mor	e) river Miles f	rom tributary to RPW:	
Project water	s are 30 (or mor	e) aerial (straig	ght) miles from tributary to	TNW:
Project water	s are 30 (or mor	e) aerial (straig	ght) miles from tributary to	RPW:
Project water	s cross or serve as s	tate boundaries.	Explain:	
Identify flow	route to TNW Gen	erally to Queen Cr	eek to East Maricopa Flood	way to the Gila River
(b) General Tributa	ry Characteristics			
Tributary is: N	atural	Explain:		
Tributary prope Average W Average De		o top of bank (est	imate):	
Average Si	de Slopes: 2:1			
Primary tribu	tary substrate comp	osition (check all	that apply):	
☐ Silts ☐ Cobble ☐ Bedroo		Concrete	☐ Muck r, Explain:	
Tributary Co	ndition/Stability [e.	g., highly eroding,	sloughing banks. Explain:	Stable
Presence of I	Run/Riffle/Pool Con	nplexes. Explain:	None present.	
Tributary Ge	ometry: Relat	vely Straight		
Tributary Gra	adient (approximate	e average slope):	2%	
(c) Flow: Tributary Provides for: Estimate average number Describe Flow Regi		view area/year:		
Other Information on Dui	ration and Volume:			
Surface Flow is:	Confined	Characteris	itics:	
Subsurface Flow:	No	Explain:		
\square Dye (or other) test	performed:			
Tributary Has (Check all t	nat apply):			
 ✓ Bed and Banks ✓ OHWM (check all the ☐ Clear, natural line ✓ Changes in soil check ☐ Shelving ✓ Vegetation matter ✓ Leaf litter disturber ✓ Sediment deposition ☐ Water staining 	e apply): OHWM Indimpressed on the baracter down, bent or about or washed away	ank 🖳	Presence of litter and debr Destruction of terrestrial ver- Presence of wrack line Sediment sorting Scour Multiple observed or prediction	egetation cted flow events
Other (list): Discontinuous? Ex	plain:			

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7**D High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW:

Project Wetlands: Aerial Miles from TNW:

Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:	
7D	

(ii) Chemical Characteristics:

characteristics: ect.).	
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (check	call that apply):
☐ Riparian Buffer Characteristics (type, average	ge width):
Vegetation type/percent cover. Explain:	
Habitat for:	
☐ Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
☐ Other environmentally-sensitive species	Explain:
☐ Aquatic/Wildlife Diversity Explain:	
Characteristics of all wetlands adjacent to the tributar	ry (if any)
All wetland(s) being considered in cumulative analysi	is:
Wetland acres in total being considered in cumulative	e analysis:
Describe each wetland (directly abuts tributary?: size	in acres: overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands. then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7D** D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area:

Provide estimates for jurisdictional wetland in the review area (in acres):

7. Impoundments of jurisdictional waters.

Demonstration of Jurisdiction:

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

conclusion is provided at Section III.C..

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

U.S. Army Corps of Engineers **7**D Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): ☐ Non wetland-Waters (i.e., rivers, streams): linear feet : width (ft): Other Non-wetland Waters MBR acres: ☐ Wetlands MBR Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 522.75 linear feet (ft), 3.50 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. ✓ Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant ☐ Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report ☐ Data Sheets Prepared by the Corps Corps Navigable Water Study ☐ US Geological Survey Hydrologic Atlas ☐ USGS NHD Data ☐ USGS 8 and 12 digit HUC Maps ✓ US Geological Survey Map(s) Scale and Quad Name:

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7D ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
7 E	

This form sh	ould be comp	leted by follo	wing the instr	uctions provide	ed in Section	on IV of the	JD Form I	nstruction	al Guidebook	
	BACKGROU		<u>_</u>				4 1			
A. REPORT	COMPLETIO	N DATE FOI	R APPROVED	JURISDICTIO	NAL DETE	RMINATIO	M (JD):	May 15,	2020	
B. DISTRICT	Γ OFFICE, FIL	E NAME, AN	ID NUMBER:	Los Angele	es District	, File No. S	PL-2016-	00547		
C. PROJECT	LOCATION	AND BACKG	ROUND INFO	ORMATION:	Drainage	Feature	7E			
State:	AZ	County/Pari	sh/borough:	Pinal Coun	ty			City:	Superior	
Center c	oordinates of	site: Lat.	33.30979°N	Lon	g111.0	39659°W				
Name of	nearest wate	rbody: C	Queen Creek							
			able Water (TN utte and Gilles	W) into which pie Dam	the aquati	c resource f	lows:			
Name of	watershed o	r Hydrologic I	Jnit Code (HU	C): 150	50100					
\square Check			-	tential jurisdict , disposal sites					are recorded	d on a
		O EOD SITE E	VALLIATION	(CHECK ALL T	LAT ADD	v 1.				
	e (Desk) Dete			•	nai app	LTJ.				
	Determinatio		ate. <u>00/03/2</u>	.020						
SECTION II:	SUMMARY	OF FINDING	<u>is</u>							
A. RHA SE	CTION 10 D	ETERMINAT	ION OF JURIS	DICTION.						
There Are	the rev	iew area.	f the U.S." with ow of the tide.	nin Rivers and H	larbors Ac	t (RHA) juri:	sdiction (a	as defined	by 33 CFR pa	rt 329 in
	-			n the past, or n	nay be sus	ceptible for	use to tra	insport inte	erstate or for	eign commerc
	•		TION OF JUF	•	•	•		·		
There #	Are No "water	s of the U.S.'	' within Clean	Water Act (CW	A) jurisdict	ion (as defi	ned by 33	CFR part 3	28) in the re	view
4 11/-1-	area.									
a. In	TNWs (new) Wetlands adj Relatively per Non-RPWs th Wetlands dire Wetlands adj Wetlands adj	acent to TNW manent wate at flow direct ectly abutting acent to but acent to non-	/s ers (RPWs) tha tly or indirectly g RPWs that fl not directly ab -RPWs that flo	w area (Check of t flow directly of t into TNWs ow directly or i utting RPWs th w directly or in	or indirectly i at flow dir	y into TNWs nto TNWs ectly or indi		o TNWs		
	,	rstate or intra	astate) waters	, including isola		nds				
		•		S. in the reviev	w area	\A/;d+b /£+\	and/s=		Acros	
	on-Wetlands		Line	ear Feet		Width (ft)	and/or		Acres	
W	etlands Acres	:								
c. Li	mits (bounda	ries) of Juriso	diction based o	on:						
2. Non-	Regulated Wa	aters/Wetlan	ds (check if ap	plicable):						

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
7 E	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale s	upporting determination:	
2.	Wetland adiacent to	TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows d ✓ Tributary flows th	•	tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:	
7 E	

Project water	rs are 30 (or more) river Miles from tributary to RPW:
Project water	rs are 30 (or more) aerial (straight) miles from tributary to TNW:
Project water	rs are 30 (or more) aerial (straight) miles from tributary to RPW:
Project water	rs cross or serve as st	ate boundaries. Explain:
Identify flow	route to TNW Gene	rally to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tributa	ry Characteristics	
Tributary is: N	atural	Explain:
Average W Average D	/idth (ft): 3.11 epth (ft): 1	top of bank (estimate):
Average Si	ide Slopes: 2:1	
Primary tribu	tary substrate compo	osition (check all that apply):
☐ Silts ☐ Cobble ☐ Bedroo		Concrete
Tributary Co	ndition/Stability [e.g	, highly eroding, sloughing banks. Explain: Stable
Presence of	Run/Riffle/Pool Com	plexes. Explain: None present.
Tributary Ge		ely Straight
Tributary Gra	adient (approximate	average slope): 2%
(c) Flow: Tributary Provides for: Estimate average number Describe Flow Reg		iew area/year:
Other Information on Du	ration and Volume:	
Surface Flow is:	Confined	Characteristics:
Subsurface Flow:	No	Explain:
\square Dye (or other) test	performed:	
Tributary Has (Check all t	hat apply):	
 ✓ Bed and Banks ✓ OHWM (check all the ☐ Clear, natural line ✓ Changes in soil ch ☐ Shelving ✓ Vegetation matte ✓ Leaf litter disturbe ✓ Sediment deposit ☐ Water staining 	e apply): OHWM Indi impressed on the ba aracter d down, bent or abso ed or washed away	nk ☐ Presence of litter and debris ☐ Destruction of terrestrial vegetation ☐ Presence of wrack line
Other (list): Discontinuous? Ex	plain:	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7E** High tide line indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:		
7E		

(ii) Chemical Characteristics:

characteristics: ect.).	ear, brown, oil film on surface; water quality; general watersh
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (chec	k all that apply):
☐ Riparian Buffer Characteristics (type, avera	ge width):
Vegetation type/percent cover. Explain:	
Habitat for:	
Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive species	Explain:
☐ Aquatic/Wildlife Diversity Explain:	
. Characteristics of all wetlands adjacent to the tributa	ry (if any)
All wetland(s) being considered in cumulative analys	sis:
Wetland acres in total being considered in cumulative	ve analysis:
Describe each wetland (directly abuts tributary?: size	e in acres: overall biological chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7E** D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area: 6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this

Demonstration of Jurisdiction:

Provide estimates for jurisdictional wetland in the review area (in acres):

conclusion is provided at Section III.C..

7. Impoundments of jurisdictional waters.

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

U.S. Army Corps of Engineers **7E** Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): ☐ Non wetland-Waters (i.e., rivers, streams): linear feet : width (ft): Other Non-wetland Waters MBR acres: ☐ Wetlands MBR Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 521.26 linear feet (ft), 3.11 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. ✓ Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant ☐ Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report ☐ Data Sheets Prepared by the Corps Corps Navigable Water Study ☐ US Geological Survey Hydrologic Atlas ☐ USGS NHD Data ☐ USGS 8 and 12 digit HUC Maps ✓ US Geological Survey Map(s) Scale and Quad Name:

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7E** ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

reature ID:	
7F	

Thi

This form should be completed by	following the instru	ctions provide	d in Section IV of the	JD Form Instru	ictional Guidebo	ook.
SECTION I: BACKGROUND INFO				(>	4- 0000	
A. REPORT COMPLETION DATE	FOR APPROVED J	URISDICTION	IAL DETERMINATIO	ON (JD): Ma	ay 15, 2020	
B. DISTRICT OFFICE, FILE NAME	, AND NUMBER:	Los Angele	s District, File No. S	SPL-2016-0054	47	
C. PROJECT LOCATION AND BA	CKGROUND INFO	RMATION:	Drainage Feature	7F		
State: AZ County/	Parish/borough:	Pinal Count	У	С	ity: Superior	r
Center coordinates of site: Lat	. 33.30979°N	Long	g111.039659°W			
Name of nearest waterbody:	Queen Creek					
Name of nearest Traditional Na Gila River between Powe		•	he aquatic resource	flows:		
Name of watershed or Hydrolo	gic Unit Code (HUC)	: 150	50100			
✓ Check if map/diagram of rev	iew are and/or pote	ential jurisdict	ional areas is/are ava	ailable upon rec	quest	
Check if other sites (e.g, offs different JD form.	ite mitigation sites,	disposal sites,	etc) are associated	d with this actio	on and are recor	ded on a
D. REVIEW PERFORMED FOR SI	TE EVALUATION (CHECK ALL T	HAT APPLY):			
Office (Desk) DeterminationField Determination. Date		20				
SECTION II: SUMMARY OF FIND A. RHA SECTION 10 DETERMIN		DICTION.				
There Are No "navigable water the review area. Waters subject to the ebb an Waters are presently used, or	d flow of the tide.		arbors Act(RHA) jur			
B. CWA SECTION 404 DETERM			,	·		
There Are No "waters of the U	J.S." within Clean W	ater Act (CWA	A) jurisdiction (as def	ined by 33 CFR	part 328) in the	review
area.				·		
1. Waters of the U.S. a. Indicate presence of wat TNWs (new) Wetlands adjacent to		area (Check a	ill the apply):			
Relatively permanent of Non-RPWs that flow die Wetlands directly abu Wetlands adjacent to be Wetlands adjacent to be Impoundments of juris Isolated (interstate or	waters (RPWs) that irectly or indirectly in the string RPWs that floout not directly abuse that flow that flow indictional waters	nto TNWs w directly or in tting RPWs that directly or inc	ndirectly into TNWs at flow directly or inc directly into TNWs		Ws	
b. Identify (estimate) size of	of waters of the U.S	in the review	<i>i</i> area			
Non-Wetlands waters	Linea	r Feet	Width (ft) and/or	Acres	
Wetlands Acres:						
c. Limits (boundaries) of Ju	ırisdiction based or	n:				
2. Non-Regulated Waters/We	tlands (check if app	licable):				

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

significant nexus with the downstream TNW.

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a

Feature ID:	
7F	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW Identify TNW:		☐ Vegetation
	Summarize rationale s		
2.	Wetland adjacent to	TNW	

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows d		
✓ Tributary flows tl	hrough 5	tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:	
7F	

Project waters	s are 30 (or	more) riv	er Miles	from to	ributary to	RPW:		
Project waters	s are 30 (or	more) ae	rial (stra	ight) m	iles from t	ributary to	TNW:	
Project waters	s are 30 (or	more) ae	rial (stra	ight) m	iles from t	ributary to	RPW:	
Project waters	s cross or serv	e as state bou	ndaries.	Expla	in:			
Identify flow r	oute to TNW	Generally to	Queen (Creek to	East Mar	icopa Flood	lway to the Gil	a River
(b) General Tributa	ry Characteris	tics						
Tributary is: Na			olain:					
Tributary prope Average W Average De	idth (ft):	pect to top of 3.84	bank (es	stimate)):			
Average Si	de Slopes: 2	2:1						
Primary tribut	ary substrate	composition (check al	l that a	pply):			
Silts	✓ Sands	Concre	ete	[Muck			
Cobble		_		·	_			
☐ Bedroc	k 🗌 Substrat	e - Vegetation	n Oth	er, Expl	ain:			
Tributary Cor	ndition/Stabilit	y [e.g., highly	eroding	, slough	ning banks	. Explain:	Stable	
Presence of F	Run/Riffle/Poo	l Complexes. I	Explain:		None pre	esent.		
Tributary Geo	ometry:	Relatively Stra	ight					
Tributary Gra	dient (approxi	imate average	slope):		2%			
(c) Flow:								
	Ephemeral Flo	NA/						
Estimate average number			a/year:					
Describe Flow Regi								
Other Information on Dur	ation and Volu	ıme:						
Surface Flow is:	Confined	Cl	haracter	istics:				
Subsurface Flow:	No	E	xplain:					
\Box Dye (or other) test	performed:							
Tributary Has (Check all th	nat apply):							
Bed and BanksOHWM (check all the	apply): OHWI	M Indicators:						
☐ Clear, natural line				Prese	ence of litt	er and deb	ris	
Changes in soil changes	aracter		•			terrestrial v	egetation	
Shelving				_	ence of wr			
Vegetation matted	idown nentc	or absent	<u>\</u>		nent sortir	ng		
✓ Leaf litter disturbe		wav		- Scom	r			
Leaf litter disturbeSediment depositi	d or washed a	way		_ Scoui _ Multi		ved or pred	icted flow ever	nts
✓ Leaf litter disturbe✓ Sediment depositi✓ Water staining	d or washed a	way		Multi	iple observ	ved or pred in plant co	icted flow ever	nts
Sediment depositi	d or washed a	way		Multi	iple observ			nts

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7F High tide line indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:	
7F	

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watersr characteristics: ect.).
Explain
Identify specific pollutants, if know:
(iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
☐ Federally Listed Species Explain:
☐ Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
3. Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands. then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7F D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area:

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C..

Provide estimates for jurisdictional wetland in the review area (in acres):

7. Impoundments of jurisdictional waters.

Demonstration of Jurisdiction:

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

	7.1.1.1072	U.S. Army Co	rps of Engineers		7F	
Supporting rationale:						
Length (linear feet):	Acres:					
F. NON-JURISDICTIONAL WATERS	s, INCLUDING	WETLANDS:				
Non-Jurisdictional Waters:		ot meet the "Sig or jurisdiction.	nificant Nexus" stan	dard, where	e such a finding	
Provide acreage estimates for no MBR factors (i.e., presence of migprofessional judgment (check all	Analy more Analy within pollur affect not p speci-habit Gila F biolog between the d jurison purisdictional gratory birds, p that apply):	visis Area and the than insubstant visis Area and the note that the current Anatants, or contribut the chemical or provide significant es population for at of or the amore and do not gical integrity of een the surface wowngradient TNV dictional Waters. waters in the reversence of endar	gered species, use of	eliminate the ion to exist be the surface were contribute nount or frequency function of the downstread upport function of affect to the TNN ubstantial effects is no significate current A features are resole potential water for irriginal coles and the current of the current o	e potential for a etween the vater features or filter quency that would am TNW. They do ions for any the aquatic W reach of the fect on the ficant nexus analysis Area and not a	
 ☐ Non wetland-Waters (i.e., riv ☐ Other Non-wetland Waters N ☐ Wetlands MBR acres: Provide acreage estimates for no	ЛBR ac	res:	width (ft):		gnificant Nexus" sta	andard,
where such a finding is required	for jurisdiction	(check all that ap	ply):			
Non-wetland waters	726.50	linear feet (ft),	3.84 width (f	t)		
Other waters		acres				
☐ Wetlands		acres				
A. SUPPORTING DATA. Data revicted and requested, appropriated Maps, Plans, Plots or Plat Sulur Data Sheets Prepared/Submic	ately reference omitted by tted by or on b	sources below): Applicant/Cone	sultant: WestLand	ll be included	-	where
☐ Office Does Not Concur v		· ·	ort			
 □ Data Sheets Prepared by the □ Corps Navigable Water Study □ US Geological Survey Hydrole □ USGS NHD Data □ USGS 8 and 12 digit HUC 	ogic Atlas					
✓ US Geological Survey Map(s)	Scale and	Ouad Name				

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers 7F ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
7G	

Thi

A. REPORT CONFLETION DATE FOR	APPROVED JURISDIC	TIONAL DETERMINATI	ON (JD): M	ay 15, 2020	
B. DISTRICT OFFICE, FILE NAME, ANI	NUMBER: Los Ar	ngeles District, File No.	SPL-2016-005	47	
C. PROJECT LOCATION AND BACKGE	OUND INFORMATIO	N: Drainage Feature	7G		
State: AZ County/Parish	n/borough: Pinal C	County	C	ity: Superio	or
Center coordinates of site: Lat.	33.30979°N	Long111.039659°W			
Name of nearest waterbody: Qu	ieen Creek				
Name of nearest Traditional Navigab Gila River between Powers Bu		hich the aquatic resource	flows:		
Name of watershed or Hydrologic U	nit Code (HUC):	15050100			
✓ Check if map/diagram of review a	re and/or potential juri	sdictional areas is/are av	 ailable upon red	luest	
Check if other sites (e.g, offsite m different JD form.	itigation sites, disposal	sites, etc) are associate	d with this action	n and are reco	orded on a
D. REVIEW PERFORMED FOR SITE EV	ALUATION (CHECK A	LL THAT APPLY):			
Office (Desk) Determination. Date(s):	te: 06/05/2020				
SECTION II: SUMMARY OF FINDINGS A. RHA SECTION 10 DETERMINATION					
the review area. Waters subject to the ebb and flow	v of the tide.	ind Harbors Act(RHA) ju or may be susceptible fo	·	·	
the review area. Waters subject to the ebb and flow Waters are presently used, or have	v of the tide. e been used in the past,	or may be susceptible fo	·	·	
the review area. Waters subject to the ebb and flow	v of the tide. e been used in the past,	or may be susceptible fo	or use to transpo	ort interstate o	r foreign commerc
the review area. Waters subject to the ebb and flow Waters are presently used, or have B. CWA SECTION 404 DETERMINAT There Are No "waters of the U.S." waters of the U.S. area. 1. Waters of the U.S. a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent water Non-RPWs that flow directly Wetlands directly abutting Wetlands adjacent to but no	v of the tide. be been used in the past, FION OF JURISDICTION within Clean Water Act U.S. in review area (Chaire (Chair)) is (RPWs) that flow directly or indirectly into TNW RPWs that flow directly ot directly abutting RPW	or may be susceptible for N (CWA) jurisdiction (as december all the apply): ctly or indirectly into TNV is y or indirectly into TNWs vs that flow directly or in	or use to transpo fined by 33 CFR Vs	ort interstate o	r foreign commerc
the review area. Waters subject to the ebb and flow Waters are presently used, or have B. CWA SECTION 404 DETERMINAT There Are No "waters of the U.S." waters. 1. Waters of the U.S. a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent water Non-RPWs that flow directly Wetlands directly abutting	v of the tide. be been used in the past, FION OF JURISDICTION within Clean Water Act U.S. in review area (Chaire (Chair)) s (RPWs) that flow directly or indirectly into TNW RPWs that flow directly of the directly abutting RPW RPWs that flow directly on all waters	or may be susceptible for N (CWA) jurisdiction (as develock all the apply): ctly or indirectly into TNV is a continuous or indirectly into TNWs is that flow directly or indirectly into TNWs or indirectly into TNWs	or use to transpo fined by 33 CFR Vs	ort interstate o	r foreign commerc
the review area. Waters subject to the ebb and flow Waters are presently used, or have B. CWA SECTION 404 DETERMINAT There Are No "waters of the U.S." waters of the U.S. a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent water Non-RPWs that flow directly Wetlands directly abutting Wetlands adjacent to but no Wetlands adjacent to non-F Impoundments of jurisdiction	v of the tide. be been used in the past, FION OF JURISDICTION within Clean Water Act U.S. in review area (Chaire and the past) is (RPWs) that flow directly or indirectly into TNW RPWs that flow directly obtained by the property of the past, and the past, a	or may be susceptible for N (CWA) jurisdiction (as december all the apply): ctly or indirectly into TNV is a continuous or indirectly into TNWs what flow directly or into TNWs isolated wetlands	or use to transpo fined by 33 CFR Vs	ort interstate o	r foreign commerc
the review area. Waters subject to the ebb and flow Waters are presently used, or have B. CWA SECTION 404 DETERMINAT There Are No "waters of the U.S." waters of the U.S. a. Indicate presence of water of TNWs (new) Wetlands adjacent to TNWs Relatively permanent water Non-RPWs that flow directly Wetlands directly abutting Wetlands adjacent to but no Wetlands adjacent to non-F Impoundments of jurisdictic Isolated (interstate or intras	v of the tide. be been used in the past, FION OF JURISDICTION within Clean Water Act U.S. in review area (Chaire and the past) is (RPWs) that flow directly or indirectly into TNW RPWs that flow directly obtained by the property of the past, and the past, a	or may be susceptible for N (CWA) jurisdiction (as december all the apply): ctly or indirectly into TNV is a continuous or indirectly into TNWs what flow directly or information indirectly into TNWs isolated wetlands	or use to transpo fined by 33 CFR Vs	ort interstate o	or foreign commerc

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
7G	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW		
	Identify TNW:		Vegetation
	Summarize rationale su	upporting determination:	
2	Wetland adjacent to	TNIA	

wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed Size (sq mi):	49650
Drainage Area (sq mi):	
Average Annual Rainfall (in):	18
Average Annual Snowfall (in):	1.4

(ii) Physical Characteristics:

(a) Relationship with TNW

☐ Tributary flows d		
✓ Tributary flows tl	hrough 5	tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

Feature ID:	
7G	

Project wa	ters are	30 (or more)	aerial (straight) miles from tributary to TNW:
Project wa	ters are	30 (or more)	aerial (straight) miles from tributary to RPW:
Project wa	ters cross	or serve as state	boundaries. Explain:
Identify flo	w route to	TNW General	ly to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Trib	utary Char	acteristics	
Tributary is:			Explain:
Averag	operties w e Width (ft e Depth (ft): 2.50	p of bank (estimate):
=	e Side Slop		
			ion (check all that apply):
, □ Silts		_	oncrete
		Gravel	- Mack
□ Вес	. =	ubstrate - Veget	ation Other, Explain:
Tributarv	Condition/	Stability [e.g., hi	ighly eroding, sloughing banks. Explain: Stable
•	-	fle/Pool Comple	
	Geometry		
•			
	Gradient (a	approximate ave	erage slope): 2%
<u>Flow:</u> Fributary Provides for: Estimate average num	Ephem per of flow	eral Flow events in review	
Flow: Fributary Provides for: Estimate average num Describe Flow F	Ephem per of flow degime:	eral Flow events in review Ephemeral.	
<u>Flow:</u> Fributary Provides for: Estimate average num	Ephem per of flow degime:	eral Flow events in review Ephemeral.	
Flow: Fributary Provides for: Estimate average num Describe Flow F	Ephem per of flow degime:	eral Flow events in review Ephemeral. nd Volume:	
Flow: Tributary Provides for: Estimate average num Describe Flow F Other Information on	Ephem per of flow Regime: Duration a	eral Flow events in review Ephemeral. nd Volume:	v area/year:
Flow: Fributary Provides for: Estimate average numble Describe Flow Flow on Other Information on Surface Flow is:	Ephemoer of flow Regime: Duration a Confine No	eral Flow events in review Ephemeral. nd Volume:	v area/year: Characteristics:
Flow: Tributary Provides for: Estimate average numble Describe Flow Flow Fother Information on Surface Flow is: Dubsurface Flow: Dye (or other) to the surface of the su	Ephemoer of flow Regime: Duration a Confine No est perform	eral Flow events in review Ephemeral. nd Volume: ed	v area/year: Characteristics:
Flow: Tributary Provides for: Estimate average numble Describe Flow Flow on Other Information on Surface Flow is: Gubsurface Flow:	Ephemoer of flow Regime: Duration a Confine No est perform	eral Flow events in review Ephemeral. nd Volume: ed	v area/year: Characteristics:
Flow: Tributary Provides for: Estimate average numble Describe Flow Flow Information on Surface Flow is: Due (or other) to the control of t	Ephemoer of flow Regime: Duration a Confine No est perform	eral Flow events in review Ephemeral. nd Volume: ed ned:	v area/year: Characteristics: Explain:
Flow: Tributary Provides for: Estimate average numble Describe Flow Flow Flow Information on Surface Flow is: Dye (or other) the Tributary Has (Check and Banks OHWM (check all	Ephemoer of flow Regime: Duration a Confine No est performall that app	eral Flow events in review Ephemeral. nd Volume: ed ned: ly):	varea/year: Characteristics: Explain:
Flow: Tributary Provides for: Estimate average numble Describe Flow Flow Flow Information on Surface Flow is: Dye (or other) the Tributary Has (Check and Banks OHWM (check all Clear, natural I	Ephemoer of flow Regime: Duration a Confine No est performall that app the apply) ine impres	eral Flow events in review Ephemeral. nd Volume: ed ned:	varea/year: Characteristics: Explain: ors: Presence of litter and debris
Flow: Tributary Provides for: Estimate average numble Describe Flow Flow Information on Surface Flow is: Dye (or other) the Tributary Has (Check and Banks) Head and Banks Head OHWM (check all Clear, natural Information) Clear, natural Information on Describe Flow: Flow Information on Describe Flow: Graph Information On Describe Flow: G	Ephemoer of flow Regime: Duration a Confine No est performall that app the apply) ine impres	eral Flow events in review Ephemeral. nd Volume: ed ned: ly):	varea/year: Characteristics: Explain: Ors: Presence of litter and debris ✓ Destruction of terrestrial vegetation
Flow: Tributary Provides for: Estimate average numble Describe Flow Flow Flow Information on Surface Flow is: Dye (or other) the Tributary Has (Check and Banks OHWM (check all Clear, natural I	Ephemoer of flow Regime: Duration a Confine No est performall that app the apply) ine impres character	eral Flow events in review Ephemeral. nd Volume: ed ned: ly): : OHWM Indicat sed on the bank	varea/year: Characteristics: Explain: ors: Presence of litter and debris
Flow: Tributary Provides for: Estimate average numble Describe Flow Flow Fother Information on Surface Flow is: Dye (or other) to the Dye (or other) to	Ephemoer of flow Regime: Duration a Confine No est performall that app the apply) ine impres character tted down arbed or was	eral Flow events in review Ephemeral. nd Volume: ed ned: ly): : OHWM Indicates on the bank , bent or absent	ors: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line Sediment sorting Scour
Flow: Tributary Provides for: Estimate average numble Describe Flow Flow Formation on Surface Flow is: Dye (or other) to the Dye (Ephemoer of flow Regime: Duration a Confine No est performall that app the apply) ine impresion character atted down arbed or wassition	eral Flow events in review Ephemeral. nd Volume: ed ned: ly): : OHWM Indicates on the bank , bent or absent	v area/year: Characteristics: Explain: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line Sediment sorting Scour Multiple observed or predicted flow events
Flow: Tributary Provides for: Estimate average num Describe Flow F Other Information on Surface Flow is: Dye (or other) t Tributary Has (Check a Bed and Banks OHWM (check all Clear, natural I Changes in soil Shelving Vegetation ma Leaf litter distu Sediment depo	Ephemoer of flow Regime: Duration a Confine No est performall that app the apply) ine impresion character atted down arbed or wassition	eral Flow events in review Ephemeral. nd Volume: ed ned: ly): : OHWM Indicates on the bank , bent or absent	ors: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line Sediment sorting Scour
Flow: Tributary Provides for: Estimate average numble Describe Flow Flow Formation on Surface Flow is: Dye (or other) to the Dye (Ephemoer of flow Regime: Duration a Confine No est performall that app the apply) ine impresion character atted down arbed or wassition	eral Flow events in review Ephemeral. nd Volume: ed ned: ly): : OHWM Indicates on the bank , bent or absent	v area/year: Characteristics: Explain: Presence of litter and debris Destruction of terrestrial vegetation Presence of wrack line Sediment sorting Scour Multiple observed or predicted flow events

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7G** High tide line indicated by: Mean High water Mark indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas Explain findings: Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW:

Flow is From:

Estimate approximate Location of Wetland within Floodplain:

Feature ID:		
7G		

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watersr characteristics: ect.).
Explain
Identify specific pollutants, if know:
(iii) Biological Characteristics. Wetland supports (check all that apply):
Riparian Buffer Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
Habitat for:
☐ Federally Listed Species Explain:
☐ Fish/Spawn Areas Explain:
Other environmentally-sensitive species Explain:
Aquatic/Wildlife Diversity Explain:
3. Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in cumulative analysis:
Wetland acres in total being considered in cumulative analysis:
Describe each wetland (directly abuts tributary?; size in acres; overall biological, chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7G** D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): 1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs Linear Feet: Width (ft): **TNW Acres** □ Wetlands adjacent to TNWs: Acres: 2. RPWs that flow directly or indirectly into TNWs ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and Rationale indicating that tributary is perennial: \sqcup Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Provide estimates for jurisdictional waters in the review are (check all that apply): ☐ Tributary waters Width (Ft). Linear Feet: Other non-wetland waters: Acres: 3. Non-RPWs that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has significant nexus with a TNW is jurisdictional. Data supporting this conclusion provided at section III.c. Provide estimates of jurisdictional waters within the review area (check all that apply): Length (Linear Feet): Width (feet): Acres: 4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. \square Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting and RPW: ☐ Wetlands directly abutting an RPW where tributaries typically flow "Seasonally". Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2 above. Provide rationale indicating that wetland is directly abutting and RPW Provide acreage estimates for jurisdictional wetland in the review area: 5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TN \sqcup Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetland in the review area:

7. Impoundments of jurisdictional waters.

Demonstration of Jurisdiction:

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

Provide estimates for jurisdictional wetland in the review area (in acres):

conclusion is provided at Section III.C..

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

U.S. Army Corps of Engineers **7G** Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): ☐ Non wetland-Waters (i.e., rivers, streams): linear feet : width (ft): Other Non-wetland Waters MBR acres: ☐ Wetlands MBR Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 2.50 width (ft) 324.50 linear feet (ft), Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. ✓ Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant ☐ Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report ☐ Data Sheets Prepared by the Corps Corps Navigable Water Study ☐ US Geological Survey Hydrologic Atlas ☐ USGS NHD Data ☐ USGS 8 and 12 digit HUC Maps ✓ US Geological Survey Map(s) Scale and Quad Name:

Superior 7.5-Minute Quadrangle

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers **7G** ☐ USDA Nat'l Res Conservation Service Soil Survey Citation: ☐ National Wetlands Inventory Maps Cite Map Name: ☐ State/Local Wetland Inventory Maps ☐ FEMA/FIRM Maps: ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929) ✓ Aerial Photographs (Name and Date): 2019 USDA NAIP Orthophoto ☐ Other Photographs (Name and Date): ☐ Previous Determinations File No. and Date of Response Letter: ☐ Applicable/Supporting Case Law Citation: ☐ Applicable/Supporting Scientific Literature Citation:

Other Information, Please Specify: Additional Comments to Support JD:

Resolution Mine Pipeline Corridor

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
WP-1A-3	

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

	MPLETION DATE	FOR APPR	ROVED JURISD	ICTIONA	L DETERMINA	TION (JD):	May 15	5, 2020	
B. DISTRICT OF	FICE, FILE NAME	, AND NU	MBER: Los	Angeles	District, File N	o. SPL-2016-	00547		
C. PROJECT LO	CATION AND BA	CKGROUN	ID INFORMATI	ON: Dr	ainage Featur	e WP-1A-	3		
State: AZ	. County,	/Parish/bor	ough: Pina	County			City:	Superior	
Center coord	linates of site: La	t. 33.30	0979°N	Long.	-111.039659°\	N			
Name of nea	rest waterbody:	Queen (Creek						
	rest Traditional Nover between Powe		· · · · · · · · · · · · · · · · · · ·	which the	e aquatic resou	rce flows:			
Name of wat	ershed or Hydrolo	ogic Unit Co	de (HUC):	15050	100				
different J	ther sites (e.g, offs ID form. RFORMED FOR S	J		·	,	ated with this	action an	d are recorde	ed on a
•	esk) Determinatio ermination. Date		06/05/2020						
SECTION II: SU	MMARY OF FINE	DINGS							
A. RHA SECTI	ON 10 DETERMI		F JURISDICTIO	N.					
There Are No		NATION Oers of the U.	S." within Rivers		bors Act(RHA)	jurisdiction (a	as defined	d by 33 CFR p	art 329 in
There Are No Waters sub	"navigable wate the review area	NATION Oers of the U. and flow of the	S." within Rivers	and Har					
There Are No Waters sub Waters are	"navigable wate the review area oject to the ebb ar	ers of the U. and flow of the transport of transport of the transport of the transport of the transport of transport of the transport of transport of the transport of the transport of transport o	.S." within Rivers ne tide. n used in the pas	s and Har					
There Are No Waters sub Waters are B. CWA SECTI	"navigable water the review area bject to the ebb are presently used, or the waters of the waters of the	ers of the U. and flow of the been that the been the	S." within Rivers the tide. In used in the pas	s and Har st, or may	y be susceptible	for use to tra	ansport in	terstate or fo	reign commerc
There Are No Waters sub Waters are B. CWA SECTI	"navigable water the review area oject to the ebb are presently used, or the the waters of the area.	ers of the U. and flow of the been that the been the	S." within Rivers the tide. In used in the pas	s and Har st, or may	y be susceptible	for use to tra	ansport in	terstate or fo	reign commerc
There Are No Waters sub Waters are B. CWA SECTI There Are No 1. Waters or a. Indicat TNV Wet Rela Non Wet Wet Wet	"navigable water the review area oject to the ebb are presently used, or the the waters of the area.	ers of the U. Ind flow of the property of the property of the U. Ind flow of the property of the property of U.S. Indicated by the property of the property	os." within Rivers the tide. In used in the pass OF JURISDICTION Clean Water Action review area (Community) In that flow directly abutting Research that flow directly vaters	s and Har st, or may ON ct (CWA) Check all rectly or ind Ws tly or ind PWs that y or indir	y be susceptible jurisdiction (as the apply): indirectly into T lirectly into TNV flow directly or ectly into TNV	e for use to tra defined by 33 NWs Vs indirectly into	ansport in CFR part	terstate or fo	reign commerc
There Are No Waters sub Waters are Waters are B. CWA SECTI There Are I 1. Waters or a. Indicat TNV Wet Rela Non Wet Wet Wet Imp	"navigable water the review area oject to the ebb are presently used, or waters of the area. If the U.S. Ite presence of water (a) the use of the use of the use of the use of the area of the use of	ers of the U. Ind flow of the result of the vertical distribution of the result of th	os." within Rivers the tide. In used in the pass OF JURISDICTION Clean Water Act of review area (Ws) that flow directly into TN of that flow directly abutting RF of that flow directly abutting RF of that flow directly atters waters, including	s and Har st, or may ON ct (CWA) check all rectly or ind ws tly or ind bws that y or indir	y be susceptible jurisdiction (as the apply): indirectly into T lirectly into TNV flow directly or ectly into TNW d wetlands	e for use to tra defined by 33 NWs Vs indirectly into	ansport in CFR part	terstate or fo	reign commerc
There Are No Waters sub Waters are Waters are B. CWA SECTI There Are I 1. Waters or a. Indicate TNV Wet Rela Non Wet Wet Ump Isola b. Identif	"navigable water the review area oject to the ebb are presently used, of the presently used, of the area. If the U.S. Ite presence of ward was adjacent to be tively permanent of the clands adjacent to	ers of the U. Ind flow of the result of the vertical distribution of the result of th	os." within Rivers the tide. In used in the pass OF JURISDICTION Clean Water Act of review area (Ws) that flow directly into TN of that flow directly abutting RF of that flow directly abutting RF of that flow directly atters waters, including	s and Har st, or may ON ct (CWA) check all rectly or ind ws tly or ind bws that y or indir	y be susceptible jurisdiction (as the apply): indirectly into TNV flow directly or ectly into TNV d wetlands irea	e for use to tra defined by 33 NWs Vs indirectly into	ansport in CFR part	terstate or fo	reign commerc

✓ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined not to be jurisdictional:

Explain: Drainage is ephemeral and does not qualify as a TNW or RPW. Therefore, this drainage could only be considered jurisdictional if it possessed a significant nexus with a downstream TNW. This drainage does not possess a significant nexus with the downstream TNW.

Feature ID:	
WP-1A-3	

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatice resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW Identify TNW:	Vegetation
	Summarize rationale supporting determination:	_ 0
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adj	acent"

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

Watershed Size (sq mi): Drainage Area (sq mi): Average Annual Rainfall (in): Average Annual Snowfall (in): (ii) Physical Characteristics: (a) Relationship with TNW

(i) General Area Conditions:

☐ Tributary flows d✓ Tributary flows tl		tributaries before entering TNW
Project waters are	30 (or more)	river miles from TNW

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
WP-1A-3	

Project waters a	re 30 (or more)	river Miles from tributary to RPW:
Project waters a	re 30 (or more)	aerial (straight) miles from tributary to TNW:
Project waters a	re 30 (or more)	aerial (straight) miles from tributary to RPW:
Project waters o	ross or serve as state	boundaries. Explain:
Identify flow rou	ite to TNW Generally	to Queen Creek to East Maricopa Floodway to the Gila River
(b) General Tributary	Characteristics	
Tributary is: Natu	<u> </u>	Explain:
,		•
Tributary propert Average Wid Average Dep		of bank (estimate):
Average Side	Slopes: 2:1	
Primary tributar	y substrate composition	on (check all that apply):
□ Silts	✓ Sands Co	ncrete
	✓ Gravel	
☐ Bedrock	Substrate - Vegeta	ation Other, Explain:
Tributary Cond	tion/Stability [e.g., hig	ghly eroding, sloughing banks. Explain: Stable
Presence of Rui	n/Riffle/Pool Complex	es. Explain: None present.
Tributary Geom	netry: Relatively	Straight
Tributary Gradi	ent (approximate ave	rage slope): 2%
(c) Flow:		
	hemeral Flow	
Estimate average number of		area/year:
Describe Flow Regime	-	
Other Information on Durat	ion and Volume:	
Surface Flow is: Co	onfined	Characteristics:
Subsurface Flow: No		Explain:
Dye (or other) test pe		LAPIGITI
□ bye (or other) test pe	mormeu.	
Tributary Has (Check all that	t apply):	
✓ Bed and Banks		
✓ OHWM (check all the a	oply): OHWM Indicate	ors:
☐ Clear, natural line im	pressed on the bank	☐ Presence of litter and debris
✓ Changes in soil chara	icter	✓ Destruction of terrestrial vegetation
☐ Shelving✓ Vegetation matted d	lown bent or absent	☐ Presence of wrack line✓ Sediment sorting
✓ Leaf litter disturbed		☐ Scour
Sediment deposition	-	Multiple observed or predicted flow events
☐ Water staining		☐ Abrupt change in plant community
Other (list):		
Discontinuous? Expla	in:	

If factors other than the OHWN were used to determine lateral extent of CWA jurisdiction (Check all that apply)

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

U.S. Army Corps of Engineers WP-1A-3 High tide line indicated by: oil or scum line along shore objects survey to available datum fine shell or debris deposits (foreshore) physical markings physical markings/characteristics vegetation lines/changes in vegetation types ☐ tidal gauges \square other (iii) Chemical Characteristics: Characterize Tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc): Explain: Identify Specific Pollutants, if known: (iv) Biological Characteristics. Channel supports (check all that apply): ☐ Riparian Corridor Characteristics: ☐ Wetland Fringe Characteristics: Habitat for: ☐ Federally Listed Species **Explain findings:** ☐ Fish/Spawn Areas **Explain findings:** Other environmentally -sensitive species **Explain findings:** ☐ Aquatic/Wildlife diversity Explain: 2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW (i) Physical Characteristics: (a) General Wetland Characteristics Properties: Wetland Size (ac): Wetland Type, Explain: Wetland Quality, Explain: Project Wetlands Cross or Serve as State Boundaries, Explain: (b) General Flow Relationship with Non-TNW: Wetland Flow is: Explain: Surface Flow is: Characteristics: Subsurface Flow: **Explain Findings:** (c) Wetland Adjacency Determination with Non-TNW: □ Wetland Directly Abutting Non-TNW □ Wetland Not Directly Abutting Non-TNW ☐ Discrete wetland hydrologic connection Explain: Ecological connection Explain: Separated by berm/barrier Explain: (d) Proximity (Relationship) to TNW Project Wetlands: River Miles from TNW: Project Wetlands: Aerial Miles from TNW: Flow is From:

Estimate approximate Location of Wetland within Floodplain:

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

Feature ID:	
WP-1A-3	

ii)	Chemical	Charact	eristics:
-----	----------	---------	-----------

characteristics: ect.).	ear, brown, oil film on surface; water quality; general watersh
Explain	
Identify specific pollutants, if know:	
(iii) Biological Characteristics. Wetland supports (chec	k all that apply):
☐ Riparian Buffer Characteristics (type, avera	ge width):
☐ Vegetation type/percent cover. Explain:	
Habitat for:	
Federally Listed Species Explain:	
☐ Fish/Spawn Areas Explain:	
Other environmentally-sensitive species	Explain:
☐ Aquatic/Wildlife Diversity Explain:	
. Characteristics of all wetlands adjacent to the tributa	ry (if any)
All wetland(s) being considered in cumulative analys	sis:
Wetland acres in total being considered in cumulative	ve analysis:
Describe each wetland (directly abuts tributary?: size	e in acres: overall biological chemical or physical functions):

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- •Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- •Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent welands, then go to SectionIII.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers WP-1A-3

1. TNWs and Adja	cent Wetlands	Check al	ll that and	nly and nro	vide size (estimates in re	view area:	
□ TNWs	Linear Feet:	. Check di		Width (ft):	WIGC 312C (TNW Acres	view area.	
		_	·	width (it).		TIVW ACTES		
	acent to TNWs	: Acres:						
2. RPWs that flow	v directly or in	directly into	TNWs					
	of TNWs where y is perennial:	tributaries	typically	flow year-r	ound are	jurisdictional.	Provide data	and Rationale indi
	l. Data support						-	onths each year) a cating that tributar
Provide e	stimates for ju	risdictional	waters in	the reviev	v are (che	ck all that appl	y):	
\Box Tribut	ary waters		Linear	Feet:		Width (Ft).		
\square Other	non-wetland v	waters:	Acres:					
3. Non-RPWs tha	t flow directly	or indirectly	v into TN	Ws.				
☐ Waterbody t	-	W or an RP\	V, but flo	ws directly		•	•	significant nexus
Provide estima								
Length (Linea	ar Feet):		Width	(feet):		Acres:		
4. Wetlands direc	tly abutting ar	n RPW that	flow dire	ctly or ind	irectly int	o TNWs.		
☐ Wetlands di	rectly abut RPV	V and thus a	are iurisdi	ictional as	adiacent v	vetlands.		
☐ Wetland indicatin	s directly abutt	ing an RPW	where tr	ributaries t	ypically flo	ow year-round		a and rationale nat wetland is direc
is season	-	_				-		ata indicating that g that wetland is di
Provide acrea	ge estimates fo	or jurisdictio	nal wetla	and in the r	eview are	a: Acres:		
5. Wetlands adja	cent to but not	directly ab	utting an	RPW that	flow dire	ctly or indirec	tly into TN	
adjacent an		situated a	djacent w	etlands, h				utary to which the e jurisidictional. Da
Provide acreage	e estimates for	jurisdiction	al wetlan	nd in the re	view area	: Acres:		
. Wetlands adjace	ent to non-RPV	Vs that flow	directly	or indirect	tly into TN	lWs.		
and with simila		acent wetla						o which they are aonal. Data supporting
CONCIDENTIAL DI	Ovided at Sect							

Feature ID: APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers WP-1A-3 Supporting rationale: Length (linear feet): Acres: F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS: Non-Jurisdictional Waters: Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain finding of no Significant Nexus: The characteristics of the surface water features within the current Analysis Area and the flowpath to the TNW eliminate the potential for a more than insubstantial hydrologic connection to exist between the Analysis Area and the downgradient TNW. The surface water features within the current Analysis Area do not either contribute or filter pollutants, or contribute sediments at an amount or frequency that would affect the chemical or physical integrity of the downstream TNW. They do not provide significant habitat or life cycle support functions for any species population found within the TNW, do not affect the aquatic habitat of or the amount of nutrient transport to the TNW reach of the Gila River, and do not have a more than insubstantial effect on the biological integrity of this TNW. As such, there is no significant nexus between the surface water features within the current Analysis Area and the downgradient TNW and, as such, these features are not a jurisdictional Waters. Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): ☐ Non wetland-Waters (i.e., rivers, streams): linear feet : width (ft): Other Non-wetland Waters MBR acres: ☐ Wetlands MBR Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): ✓ Non-wetland waters 2210.34 linear feet (ft), 6.13 width (ft) Other waters acres Wetlands acres **SECTION IV: DATA SOURCES** A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): ✓ Maps, Plans, Plots or Plat Submitted by Applicant/Consultant: WestLand Resources, Inc. ✓ Data Sheets Prepared/Submitted by or on behalf of Applicant/Consultant ☐ Office Concurs with data sheets/delineation report Office Does Not Concur with data sheets/delineation report ☐ Data Sheets Prepared by the Corps Corps Navigable Water Study ☐ US Geological Survey Hydrologic Atlas

✓ US Geological Survey Map(s) Scale and Quad Name:

Superior 7.5-Minute Quadrangle

☐ USGS NHD Data

☐ USGS 8 and 12 digit HUC Maps

APPROVED JURISDICTIONAL DETERMINATION FORM

Feature ID:

	U.S. Army Corps of	Engineers	WP-1A-3
☐ USDA Nat'l Res Conservation Service	Soil Survey Citation:		
☐ National Wetlands Inventory Maps	Cite Map Name:		
☐ State/Local Wetland Inventory Maps			
FEMA/FIRM Maps:			
100-year Floodplain Elevation is:	(Na	ntional Geodetic Vert	ical Datum of 1929)
Aerial Photographs (Name and D	ate): 2019 USDA NAIP Orth	ophoto	
Other Photographs (Name and D	ate):		
Previous Determinations File No.	o. and Date of Response Letter		
☐ Applicable/Supporting Case Law	Citation:		
☐ Applicable/Supporting Scientific Lite	rature Citation:		
Other Information, Please Specify:			

Additional Comments to Support JD:

ATTACHMENT E
Selected
Jurisdictional
Determination
Forms from
Corps File No.
SPL-2009- 00315MB

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I:	BAG	CKGROUND	INFORMATION
------------	-----	----------	-------------

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 07/28/2011

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Los Angeles District, File No. SPL-2009-00315-MB

C.	PROJECT LOCATION AND BACKGROUND INFORMATION: Drainage WP1A3
	State:AZ County/parish/borough: Pinal City: Superior Center coordinates of site (lat/long in degree decimal format): Lat. 33.302994° N, Long111.10701° W.
	Universal Transverse Mercator:
	Name of nearest waterbody: Queen Creek
	Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Gila River from Powers Butte to Gillespie
	Dam
	Name of watershed or Hydrologic Unit Code (HUC): 15050100 Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
	Check if other sites (e.g., offsite mitigation sites, disposal sites, etc) are associated with this action and are recorded on a
	different JD form.
D.	REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
υ.	Office (Desk) Determination. Date: 07/28/2011
	Field Determination. Date(s): 06/27 through 07/01/2011, 07/07,07/08, 07/19 and 07/20/2011
SEC	CTION II: SUMMARY OF FINDINGS
	RHA SECTION 10 DETERMINATION OF JURISDICTION.
The	ere Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the
	ew area. [Required]
	Waters subject to the ebb and flow of the tide.
	Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:
	Explain.
B.	CWA SECTION 404 DETERMINATION OF JURISDICTION.
The	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required
	1. Waters of the U.S.
	a. Indicate presence of waters of U.S. in review area (check all that apply): 1
	TNWs, including territorial seas Wetlands adjacent to TNWs
	Relatively permanent waters ² (RPWs) that flow directly or indirectly into TNWs
	Non-RPWs that flow directly or indirectly into TNWs
	 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
	Wetlands directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs Impoundments of jurisdictional waters
	Isolated (interstate or intrastate) waters, including isolated wetlands
	b. Identify (estimate) size of waters of the U.S. in the review area:
	Non-wetland waters: linear feet: width (ft) and/or acres.
	Wetlands: acres.
	c. Limits (boundaries) of jurisdiction based on: Pick List
	Elevation of established OHWM (if known):
	2. Non-regulated waters/wetlands (check if applicable): ³
	Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
	Explain: Drainages within the review area are ephemeral, and do not qualify as TNW's or RPW's. Therefore, these drainages would only be considered jurisdictional if they possessed a significant nexus with a TNW. None of the
	drainages would only be considered jurisdictional if they possessed a significant nexus with a TNW. None of the drainages in the review area possess a significant nexus with a TNW.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW Identify TNW: .	
	Summarize rationale supporting determination: .	
2.	Wetland adjacent to TNW Summarize rationale supporting conclusion that wetland is "adjacent":	

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

Watershed size: 49,650 square miles
Drainage area: 0.064 square miles
Average annual rainfall: 18 inches
Average annual snowfall: 1.4 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

(i) General Area Conditions:

Tributary flows through 5 tributaries before entering TNW.

Project waters are Project wa

Identify flow route to TNW⁵: Drainage WP1A3 discharges through non-channelized flow to Drainage WP1A. Drainage WP1A discharges to Drainage WP1 which then discharges to Silver King Wash and thence to Queen Creek. The

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

approximately 74 river miles along the Gila to the TNW at Powers Butte.. Tributary stream order, if known: (b) General Tributary Characteristics (check all that apply): **Tributary** is: Natural Artificial (man-made). Explain: Manipulated (man-altered). Explain: Tributary properties with respect to top of bank (estimate): Average width: 2 feet Average depth: Less than 0.5 feet Average side slopes: Vertical (1:1 or less). Primary tributary substrate composition (check all that apply): Sands ☐ Silts ☐ Concrete Cobbles Gravel Muck Bedrock ☐ Vegetation. Type/% cover: Other. Explain: Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable. Presence of run/riffle/pool complexes. Explain: Not present. Tributary geometry: Meandering Tributary gradient (approximate average slope): 2 % Flow: Tributary provides for: Ephemeral flow Estimate average number of flow events in review area/year: 2-5 Describe flow regime: Ephemeral. Other information on duration and volume: Surface flow is: **Confined.** Characteristics: Subsurface flow: **No**. Explain findings: Dye (or other) test performed: Tributary has (check all that apply): Bed and banks OHWM⁶ (check all indicators that apply): clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil \boxtimes destruction of terrestrial vegetation ☐ shelving the presence of wrack line \boxtimes vegetation matted down, bent, or absent sediment sorting leaf litter disturbed or washed away scour multiple observed or predicted flow events water staining abrupt change in plant community other (list): ☐ Discontinuous OHWM.⁷ Explain: If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply): Mean High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects survey to available datum; physical markings; fine shell or debris deposits (foreshore) physical markings/characteristics vegetation lines/changes in vegetation types. □ tidal gauges other (list): (iii) Chemical Characteristics: Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: Unknown. Identify specific pollutants, if known: None.

remainder of the flow route to the TNW is Queen Creek to the East Maricopa Floodway to the Gila River, and

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

Tibid.

	(iv)	iological Characteristics. Channel supports (check all that apply): Riparian corridor. Characteristics (type, average width): Wetland fringe. Characteristics: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:	
2.	Cha	cteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW	
	(i)	hysical Characteristics: () General Wetland Characteristics: Properties: Wetland size: acres Wetland type. Explain: Wetland quality. Explain: Project wetlands cross or serve as state boundaries. Explain:	
		General Flow Relationship with Non-TNW: Flow is: Pick List. Explain:	
		Surface flow is: Pick List Characteristics: Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:	
		Wetland Adjacency Determination with Non-TNW: Directly abutting Not directly abutting Discrete wetland hydrologic connection. Explain: Ecological connection. Explain: Separated by berm/barrier. Explain:	
		Proximity (Relationship) to TNW Project wetlands are Pick List river miles from TNW. Project waters are Pick List aerial (straight) miles from TNW. Flow is from: Pick List. Estimate approximate location of wetland as within the Pick List floodplain.	
	(ii)	Chemical Characteristics: haracterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general w characteristics; etc.). Explain: dentify specific pollutants, if known:	atershed
	(iii)	iological Characteristics. Wetland supports (check all that apply): Riparian buffer. Characteristics (type, average width): Vegetation type/percent cover. Explain: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:	
3.	Cha	cteristics of all wetlands adjacent to the tributary (if any) ll wetland(s) being considered in the cumulative analysis: Pick List pproximately () acres in total are being considered in the cumulative analysis.	

<u>Directly abuts? (Y/N)</u> <u>Size (in acres)</u> <u>Directly abuts? (Y/N)</u> <u>Size (in acres)</u>

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: Drainage WP1A3 is located approximately 125 river miles from the nearest TNW, the Gila River between Powers Butte and Gillespie Dam. Evaluation of potential stormwater discharges from the Analysis Area, the hydrological characteristics of the downstream flowpath, the presence of significant impoundments in this flowpath, and the distance to the TNW suggests that no hydrologic connection exists between these Analysis Area drainages and the TNW. Although historic mining activities in the Analysis Area may have contributed to the impairment of Queen Creek for copper, reclamation activities and stormwater controls have significantly reduced or eliminated the discharge of pollutants to downstream receiving waters from this area. However, the reach of the Gila River between the Salt River and Waterman Wash has been sampled for copper, and no exceedances of copper concentrations were identified as part of this sampling effort. As no sources of those pollutants causing the impairment of the downstream TNW reach of the Gila River (which are tied to agricultural runoff) have been identified in the Analysis Area, there does not appear to be a chemical nexus between these drainages and the TNW. Additionally, the Analysis Area drainages do not provide lifecycle support functions, nutrients, or organic carbon to species within the TNW. Drainange WP1A3 does not have a more than speculative or insubstantial effect on the physical, chemical, and/or biological integrity of the TNW. Therefore the Analysis Area surface water features do not possess a significant nexus to the TNW reach of the Gila River between Powers Butte and Gillespie Dam, and are not jursidicational under Section 404 of the Clean Water Act.
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1.	TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs: linear feet width (ft), Or, acres. Wetlands adjacent to TNWs: acres.
2.	RPWs that flow directly or indirectly into TNWs. Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:
	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
3.	Non-RPWs ⁸ that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional waters within the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
4.	 Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
5.	Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetlands in the review area: acres.
	Trovide acreage estimates for jurisdictional wetlands in the review area.
6.	Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional wetlands in the review area: acres.
7.	Impoundments of jurisdictional waters.9 As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional. Demonstrate that impoundment was created from "waters of the U.S.," or Demonstrate that water meets the criteria for one of the categories presented above (1-6), or Demonstrate that water is isolated with a nexus to commerce (see E below).

 $^{^8} See$ Footnote # 3. 9 To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

Е.	ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):10 which are or could be used by interstate or foreign travelers for recreational or other purposes. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. which are or could be used for industrial purposes by industries in interstate commerce. Interstate isolated waters. Explain: Other factors. Explain:
	Identify water body and summarize rationale supporting determination:
	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: Wetlands: acres.
F.	NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements. ☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce. ☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR). ☑ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: As described in Section III C 1 above, an evaluation of the surface water features within the review area found that they do not possess a significant nexus with the TNW. ☐ Other: (explain, if not covered above):
	Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: acres.
	Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): Non-wetland waters (i.e., rivers, streams): 1,661 linear feet, 2' width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: acres.
SEC	CTION IV: DATA SOURCES.
A.	SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:WestLand Resources, Inc Data sheets prepared/submitted by or on behalf of the applicant/consultant. Office concurs with data sheets/delineation report. Office does not concur with data sheets/delineation report. Data sheets prepared by the Corps: Corps navigable waters' study: U.S. Geological Survey Hydrologic Atlas: USGS NHD data. USGS 8 and 12 digit HUC maps. U.S. Geological Survey map(s). Cite scale & quad name:Superior 7.5 Quad. USDA Natural Resources Conservation Service Soil Survey. Citation:

 $^{^{10}}$ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA $\it Memorandum~Regarding~CWA~Act~Jurisdiction~Following~Rapanos.$

	National wetlands inventory map(s). Cite name: .
	State/Local wetland inventory map(s): .
	FEMA/FIRM maps: .
	100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
\boxtimes	Photographs: Aerial (Name & Date):Cooper Aerial Imagery; 2010.
	or Other (Name & Date):Ground Photos; June 27 through July 20, 2011.
	Previous determination(s). File no. and date of response letter: .
	Applicable/supporting case law: .
	Applicable/supporting scientific literature: .
	Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I:	BAG	CKGROUND	INFORMATION
------------	-----	----------	-------------

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 07/28/2011

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Los Angeles District, File No. SPL-2009-00315-MB

C.	PROJECT LOCATION AND BACKGROUND INFORMATION: Drainage EP2 State:AZ County/parish/borough: Pinal City: Superior Center coordinates of site (lat/long in degree decimal format): Lat. 33.299165° N, Long 111.057152° W. Universal Transverse Mercator:
	Name of nearest waterbody: Queen Creek
	Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Gila River from Powers Butte to Gillespie Dam
	Name of watershed or Hydrologic Unit Code (HUC): 15050100 Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request. Check if other sites (e.g., offsite mitigation sites, disposal sites, etc) are associated with this action and are recorded on a different JD form.
D.	REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY): Office (Desk) Determination. Date: 07/28/2011
	Field Determination. Date(s): 06/27 through 07/01/2011, 07/07,07/08, 07/19 and 07/20/2011
	CTION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
	Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the iew area. [Required] Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:
В.	CWA SECTION 404 DETERMINATION OF JURISDICTION.
The	ere Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]
	1. Waters of the U.S. a. Indicate presence of waters of U.S. in review area (check all that apply): TNWs, including territorial seas Wetlands adjacent to TNWs Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs Non-RPWs that flow directly or indirectly into TNWs Wetlands directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs Impoundments of jurisdictional waters Isolated (interstate or intrastate) waters, including isolated wetlands
	b. Identify (estimate) size of waters of the U.S. in the review area: Non-wetland waters: linear feet: width (ft) and/or acres. Wetlands: acres.
	c. Limits (boundaries) of jurisdiction based on: Pick List Elevation of established OHWM (if known):
	2. Non-regulated waters/wetlands (check if applicable): ³ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Drainages within the review area are ephemeral, and do not qualify as TNW's or RPW's. Therefore, these drainages would only be considered jurisdictional if they possessed a significant nexus with a TNW. Adjacent wetlands

would only be considered jurisdictional if they possessed a significant nexus with a TNW. None of the drainages in the

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

review area, nor their associated adjacent wetlands, possess a significant nexus with a TNW. and their associated wetlands are not jurisdictional waters.	Therefore, the drainages

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

2.	Wetland adjacent to TNW
	Summarize rationale supporting determination: .
1.	Identify TNW:

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 49,650 square miles
Drainage area: 0.46 square miles
Average annual rainfall: 18 inches
Average annual snowfall: 1.4 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through 5 tributaries before entering TNW.

Project waters are Project waters cross or serve as state boundaries. Explain:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

to the TNW at Powers Butte. Tributary stream order, if known: (b) General Tributary Characteristics (check all that apply): Tributary is: Artificial (man-made). Explain: Manipulated (man-altered). Explain: **Tributary** properties with respect to top of bank (estimate): Average width: 3 feet Average depth: Less than 0.5 feet Average side slopes: Vertical (1:1 or less). Primary tributary substrate composition (check all that apply): Silts Sands Concrete Cobbles Gravel Muck ⊠ Bedrock ☐ Vegetation. Type/% cover: Other. Explain: Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable. Presence of run/riffle/pool complexes. Explain: Not present. Tributary geometry: **Meandering** Tributary gradient (approximate average slope): 1 % (c) Flow: Tributary provides for: Ephemeral flow Estimate average number of flow events in review area/year: 2-5 Describe flow regime: Ephemeral. Other information on duration and volume: Surface flow is: **Confined.** Characteristics: Subsurface flow: **No**. Explain findings: Dye (or other) test performed: Tributary has (check all that apply): Bed and banks $\overline{\boxtimes}$ OHWM⁶ (check all indicators that apply): clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving the presence of wrack line vegetation matted down, bent, or absent \boxtimes sediment sorting leaf litter disturbed or washed away scour sediment deposition multiple observed or predicted flow events water staining abrupt change in plant community other (list): ☐ Discontinuous OHWM.⁷ Explain: If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply): High Tide Line indicated by: Mean High Water Mark indicated by: oil or scum line along shore objects survey to available datum; fine shell or debris deposits (foreshore) physical markings; physical markings/characteristics vegetation lines/changes in vegetation types. ☐ tidal gauges other (list): (iii) Chemical Characteristics:

Identify flow route to TNW⁵: Drainage EP2 discharges directly to Queen Creek. The remainder of the flow route to the TNW is Queen Creek to the East Maricopa Floodway to the Gila River, and approximately 74 river miles along the Gila

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

Thid.

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: Unknown.

Identify specific pollutants, if known: None.

	(iv)	Biol	Riparian corridor. Characteristics (type, average width): Wetland fringe. Characteristics: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
2.	Cha	ract	eristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW
	(i)		Sical Characteristics: General Wetland Characteristics: Properties: Wetland size: 2.104 acres Wetland type. Explain: Generally, wetlands were dominated by herbaceous vegetation with some woody species. Wetland quality. Explain: Quality was generally poor due to heavy use by cattle (grazing and watering). Species diversity was low. Project wetlands cross or serve as state boundaries. Explain:
		(b)	General Flow Relationship with Non-TNW: Flow is: No Flow . Explain:
			Surface flow is: Discrete and confined Characteristics:
			Subsurface flow: Unknown. Explain findings:
		(c)	Wetland Adjacency Determination with Non-TNW: □ Directly abutting □ Discrete wetland hydrologic connection. Explain: □ Ecological connection. Explain: □ Separated by berm/barrier. Explain:
		(d)	Proximity (Relationship) to TNW Project wetlands are 30 (or more) river miles from TNW. Project waters are 30 (or more) aerial (straight) miles from TNW. Flow is from: No Flow. Estimate approximate location of wetland as within the 500-year or greater floodplain.
	(ii)	Cha	emical Characteristics: racterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: unknown. httfy specific pollutants, if known:
			Riparian buffer. Characteristics (type, average width): Vegetation type/percent cover. Explain: Herbaceous, some woody species. Percent cover varies. Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
3.	Cna		eristics of all wetlands adjacent to the tributary (if any)

3.

All wetland(s) being considered in the cumulative analysis: **3** Approximately (2.10) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Y	2.07		
Y	0.03		

Summarize overall biological, chemical and physical functions being performed: Unknown.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: Drainage EP2 is located approximately 125 river miles from the nearest TNW, the Gila River between Powers Butte and Gillespie Dam. Evaluation of potential stormwater discharges from the Analysis Area, the hydrological characteristics of the downstream flowpath, the presence of significant impoundments in this flowpath, and the distance to the TNW suggests that no hydrologic connection exists between these Analysis Area drainages and the TNW. Although historic mining activities in the Analysis Area may have contributed to the impairment of Queen Creek for copper, reclamation activities and stormwater controls have significantly reduced or eliminated the discharge of pollutants to downstream receiving waters from this area. However, the reach of the Gila River between the Salt River and Waterman Wash has been sampled for copper, and no exceedances of copper concentrations were identified as part of this sampling effort. As no sources of those pollutants causing the impairment of the downstream TNW reach of the Gila River (which are tied to agricultural runoff) have been identified in the Analysis Area, there does not appear to be a chemical nexus between these drainages and the TNW. Additionally, the Analysis Area drainages do not provide lifecycle support functions, nutrients, or organic carbon to species within the TNW. Drainage EP2, in conjunction with its adjacent wetlands, Wetlands 6 and 7, does not have a more than speculative or insubstantial effect on the physical, chemical, and/or biological integrity of the TNW. Therefore the Analysis Area surface water features do not possess a significant nexus to the TNW reach of the Gila River between Powers Butte and Gillespie Dam, and are not jursidicational under Section 404 of the Clean Water Act.
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1.	TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: TNWs: linear feet width (ft), Or, acres. Wetlands adjacent to TNWs: acres.
2.	 RPWs that flow directly or indirectly into TNWs. ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:
	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
3.	Non-RPWs ⁸ that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional waters within the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters:
4.	 Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is
	seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
5.	Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
6.	Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional wetlands in the review area: acres.
7.	Impoundments of jurisdictional waters. ⁹ As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional. Demonstrate that impoundment was created from "waters of the U.S.," or Demonstrate that water meets the criteria for one of the categories presented above (1-6), or Demonstrate that water is isolated with a nexus to commerce (see E below).

 $^{^8} See$ Footnote # 3. 9 To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

E.	ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):10 which are or could be used by interstate or foreign travelers for recreational or other purposes. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. which are or could be used for industrial purposes by industries in interstate commerce. Interstate isolated waters. Explain: Other factors. Explain:
	Identify water body and summarize rationale supporting determination:
	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: Wetlands: acres.
F.	NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements. Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce. Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR). Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: As described in Section III C 1 above, an evaluation of the surface water features within the review area found that they do not possess a significant nexus with the TNW. Other: (explain, if not covered above):
	Provide acreage estimates for non-jurisdictional waters in the review area, where the <u>sole</u> potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: . Wetlands: acres.
	Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): Non-wetland waters (i.e., rivers, streams): 8,351 linear feet, 3' width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: 2.104 acres.
SEC	CTION IV: DATA SOURCES.
A. S	SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:WestLand Resources, Inc Data sheets prepared/submitted by or on behalf of the applicant/consultant. Office concurs with data sheets/delineation report. Office does not concur with data sheets/delineation report. Data sheets prepared by the Corps: Corps navigable waters' study: U.S. Geological Survey Hydrologic Atlas: USGS NHD data. USGS 8 and 12 digit HUC maps.
	U.S. Geological Survey map(s). Cite scale & quad name: Superior 7.5 Quad.

 $^{^{10}}$ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA $Memorandum\ Regarding\ CWA\ Act\ Jurisdiction\ Following\ Rapanos.$

[USDA Natural Resources Conservation Service Soil Survey. Citation: .
[National wetlands inventory map(s). Cite name: .
[State/Local wetland inventory map(s): .
		FEMA/FIRM maps: .
[100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
	\boxtimes	Photographs: Aerial (Name & Date):Cooper Aerial Imagery; 2010.
		or ☑ Other (Name & Date):Ground Photos; June 27 through July 20, 2011.
[Previous determination(s). File no. and date of response letter: .
[Applicable/supporting case law: .
[Applicable/supporting scientific literature: .
[Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

ECTION I: BACKGROUND INFORMATION

٨	REPORT COMPLETION DATE FOR API	DOVED HIDISDICTIONAL	DETERMINATION (ID), 07/28/201
А.	REPORT COMPLETION DATE FOR API	KUYED JUKISDIC HUNAL	DETERMINATION (JD): 0//20/201.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Los Angeles District, File No. SPL-2009-00315-MB

C.	PROJECT LOCATION AND BACKGROUND INFORMATION: Wetland 9 State:AZ County/parish/borough: Pinal City: Superior Center coordinates of site (lat/long in degree decimal format): Lat. 33.299165° N, Long111.057152° W. Universal Transverse Mercator: Name of nearest waterbody: Queen Creek
	Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Gila River from Powers Butte to Gillespie Dam Name of watershed or Hydrologic Unit Code (HUC): 15050100 Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request. Check if other sites (e.g., offsite mitigation sites, disposal sites, etc) are associated with this action and are recorded on a different JD form.
D.	REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY): Office (Desk) Determination. Date: 07/28/2011 Field Determination. Date(s): 06/27 through 07/01/2011, 07/07,07/08, 07/19 and 07/20/2011
_	TION II: SUMMARY OF FINDINGS RHA SECTION 10 DETERMINATION OF JURISDICTION.
	Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the ew area. [Required] Waters subject to the ebb and flow of the tide. Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:
В. (CWA SECTION 404 DETERMINATION OF JURISDICTION.
The	re Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres. Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: The wetland considered here is isolated with no nexus to interstate commerce, and are therfore non-jurisdictional.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW	
	Identify TNW: .	
	Summarize rationale supporting determination: .	
2.	Wetland adjacent to TNW	
	Summarize rationale supporting conclusion that wetland is "adjacent":	

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i)	General Area Conditions:
	Watershed size: 49,650 square miles
	Drainage area: 0.194 acres
	Average annual rainfall: inches
	Average annual snowfall: inches
(ii)	Physical Characteristics:
	(a) Relationship with TNW:
	Tributary flows directly into TNW.
	Tributary flows through Pick List tributaries before entering TNW.
	Project waters are Pick List river miles from TNW.
	3
	Project waters are Pick List river miles from RPW.
	Project waters are Pick List aerial (straight) miles from TNW.
	Project waters are Pick List aerial (straight) miles from RPW.
	Project waters cross or serve as state boundaries. Explain: .
	Identify flow route to TNW ⁵ :
	Tributary stream order, if known: .

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b)	General Tributary Characteristics (check all that apply): Tributary is: Natural
	Artificial (man-made). Explain: Manipulated (man-altered). Explain:
	Tributary properties with respect to top of bank (estimate): Average width: feet Average depth: feet Average side slopes: Pick List. Primary tributary substrate composition (check all that apply): Silts Sands Concrete Cobbles Gravel Muck Bedrock Vegetation. Type/% cover: Other. Explain:
	Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Presence of run/riffle/pool complexes. Explain: Tributary geometry: Pick List Tributary gradient (approximate average slope): %
(c)	Flow: Tributary provides for: Pick List Estimate average number of flow events in review area/year: Pick List Describe flow regime: Ephemeral. Other information on duration and volume:
	Surface flow is: Pick List. Characteristics:
	Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:
	Tributary has (check all that apply): Bed and banks OHWM ⁶ (check all indicators that apply): clear, natural line impressed on the bank changes in the character of soil shelving vegetation matted down, bent, or absent leaf litter disturbed or washed away sediment deposition water staining other (list): Discontinuous OHWM. ⁷ Explain:
	If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply): High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gauges other (list): Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types.
Cha	mical Characteristics: racterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: Unknown. tify specific pollutants, if known: None.

(iii)

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

	(iv)	Biol	ogical Characteristics. Channel supports (check all that apply): Riparian corridor. Characteristics (type, average width): Wetland fringe. Characteristics: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
2.	Cha	ract	eristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW
	(i)	•	Sical Characteristics: General Wetland Characteristics: Properties: Wetland size: acres Wetland type. Explain: Wetland quality. Explain: Project wetlands cross or serve as state boundaries. Explain:
		(b)	General Flow Relationship with Non-TNW: Flow is: Pick List. Explain: Surface flow is: Pick List Characteristics:
			Subsurface flow: Pick List . Explain findings: Dye (or other) test performed:
		(c)	Wetland Adjacency Determination with Non-TNW: ☐ Directly abutting ☐ Not directly abutting ☐ Discrete wetland hydrologic connection. Explain: ☐ Ecological connection. Explain: ☐ Separated by berm/barrier. Explain:
		(d)	Proximity (Relationship) to TNW Project wetlands are Pick List river miles from TNW. Project waters are Pick List aerial (straight) miles from TNW. Flow is from: Pick List. Estimate approximate location of wetland as within the Pick List floodplain.
	(ii)	Cha	emical Characteristics: racterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Unknown. httfy specific pollutants, if known:
	(iii)		logical Characteristics. Wetland supports (check all that apply): Riparian buffer. Characteristics (type, average width): Vegetation type/percent cover. Explain: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
3.	Cha	All	eristics of all wetlands adjacent to the tributary (if any) wetland(s) being considered in the cumulative analysis: Pick List proximately () acres in total are being considered in the cumulative analysis.

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1.	TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area: ☐ TNWs: linear feet width (ft), Or, acres.
	Wetlands adjacent to TNWs: acres.
2.	RPWs that flow directly or indirectly into TNWs.
	Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that
	tributary is perennial: .
	Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are
	jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows
	seasonally: .

	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
3.	Non-RPWs ⁸ that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional waters within the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
4.	Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	■ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
5.	Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
6.	Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional wetlands in the review area: acres.
7.	Impoundments of jurisdictional waters. As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional. Demonstrate that impoundment was created from "waters of the U.S.," or Demonstrate that water meets the criteria for one of the categories presented above (1-6), or Demonstrate that water is isolated with a nexus to commerce (see E below).
SUC	OLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, GRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY CH WATERS (CHECK ALL THAT APPLY): 10 which are or could be used by interstate or foreign travelers for recreational or other purposes. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. which are or could be used for industrial purposes by industries in interstate commerce. Interstate isolated waters. Explain: Other factors. Explain:
Ide	ntify water body and summarize rationale supporting determination:

E.

 ⁸See Footnote # 3.
 To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
 Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: Wetlands: acres.
F.	NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements. ☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce. ☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR). ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: Other: (explain, if not covered above):
	Provide acreage estimates for non-jurisdictional waters in the review area, where the <u>sole</u> potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: . Wetlands: 0.194 acres.
	Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet, width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: acres.
	SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below): Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:WestLand Resources, Inc Data sheets prepared/submitted by or on behalf of the applicant/consultant. Office concurs with data sheets/delineation report. Office does not concur with data sheets/delineation report. Data sheets prepared by the Corps: Corps navigable waters' study: U.S. Geological Survey Hydrologic Atlas: USGS NHD data. USGS 8 and 12 digit HUC maps. U.S. Geological Survey map(s). Cite scale & quad name:Superior 7.5 Quad. USDA Natural Resources Conservation Service Soil Survey. Citation: National wetlands inventory map(s). FEMA/FIRM maps: 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) Photographs: Aerial (Name & Date):Cooper Aerial Imagery; 2010. or Other (Name & Date):Ground Photos; June 27 through July 20, 2011. Previous determination(s). File no. and date of response letter: Applicable/supporting case law:
	Applicable/supporting scientific literature: Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Sheet 1 of 9

Sheet 3 of 9

